



AGENDA

Dear Mayor and Councillors,

I respectfully advise that an **ORDINARY COUNCIL MEETING** will be held in the **Civic Centre, McGregor St, Port Hedland**, on **Wednesday, 16 December 2020**, commencing at **5:30pm**

MEETING AGENDA ATTACHED

Yours faithfully

A handwritten signature in black ink, appearing to read "Carl Askew".

Carl Askew
Chief Executive Officer

10 December 2020

DISCLAIMER

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DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS

Local Government Act 1995 – Section 5.65, 5.70 and 5.71

Local Government (Administration) Regulation 34C

<i>This form is provided to enable members and officers to disclose an Interest in a matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act and Local Government (Administration) Regulation 34C</i>			
Name			
Position			
Date of Meeting			
Type of Meeting (Please circle one)	Council Meeting/ Committee Meeting/ Special Council Meeting Workshop/ Public Agenda Briefing/ Confidential Briefing		
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality

Signature: _____ **Date:** _____

Important Note: Should you declare a **Financial or Proximity Interest**, in accordance with the Act and Regulations noted above, you are required to leave the room while the item is being considered.

For an **Impartiality** Interest, you must state the following prior to the consideration of the item:

“With regard to agenda item (read item number and title), I disclose that I have an impartiality interest because (read your reason for interest). As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”

Order Of Business

Item 1	Opening of Meeting	6
Item 2	Acknowledgement of Traditional Owners and Dignitaries	6
Item 3	Recording of Attendance.....	6
3.1	Attendance.....	6
3.2	Attendance by Telephone / Instantaneous Communications	6
3.3	Apologies	6
3.4	Approved Leave of Absence	6
3.5	Disclosure of Interests.....	6
Item 4	Applications for Leave of Absence	7
Item 5	Response to Previous Questions	7
Item 6	Public Time	7
6.1	Public Question Time	7
6.2	Public Statement Time.....	7
6.3	Petitions/Deputations/Presentations/Submissions.....	7
Item 7	Questions from Members without Notice	7
Item 8	Announcements by Presiding Member without Discussion.....	8
Item 9	Declarations of All Members to Have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting	9
Item 10	Confirmation of Minutes of Previous Meeting	10
Item 11	Reports of Officers.....	11
11.1	Corporate Services	11
11.1.1	Policy Review - Amendments to 1/028 Related Party Disclosures, 2/019 Financial Reserves, 2/018 Borrowings and 2/020 Corporate Credit Card.....	11
11.1.2	Alternative Queen's Birthday Public Holiday Date 2021	15
11.1.3	Attendance at events policy	18
11.1.4	Town of Port Hedland Representation on the Port Hedland Industries Council - Community Industry Forum.....	21
11.1.5	Statement of Financial Activity for the period ended 31 October 2020	24
11.2	Community Services	28
11.2.1	Courthouse Gallery Quarterly Review (July to September 2020)	28
11.3	Regulatory Services	32

11.3.1	Adoption of Local Planning Policy 05 - Workforce Accommodation and Local Planning Policy 06 - Social Impact Assessment.....	32
11.3.2	Joint Development Assessment Panel application for development approval - gas power plant expansion - 2020/158.....	36
11.3.3	Application for Development Approval – Warehouse/Storage and Incidental Office – Lot 9008 Great Northern Highway, Port Hedland.....	47
11.4	Infrastructure Services	66
11.4.1	Award of Tender RFT1920-48- Invitation for Pre-Qualified Trades Panel.....	66
11.4.2	Award of Tender RFT 2021-07 - 'JD Hardie Masterplan - Multi-user Courts and Surrounds Construction"	72
11.4.3	Community Infrastructure Planning Policy.....	83
11.4.4	Variation to Contract for Cleaning Services for the Town of Port Hedland RFT 1819-64	87
11.5	Executive Services	90
Item 12	Reports of Committees	91
Item 13	Motions of which Previous Notice has been given	92
13.1	Christmas School Holiday Program	92
Item 14	New Business of an Urgent Nature (Late items)	97
Item 15	Matters for Which Meeting May Be Closed (Confidential Matters)	97
Item 16	Closure	97
16.1	Date of Next Meeting.....	97
16.2	Closure.....	97

Item 1 Opening of Meeting

The Presiding Member is to declare the meeting open at [Enter Time](#).

Item 2 Acknowledgement of Traditional Owners and Dignitaries

The Presiding Member acknowledges the Kariyarra people as the Traditional Custodians of this land, on whose land we are meeting, and recognises their strength and resilience, and pays his respects to Elders past, present and emerging.

Item 3 Recording of Attendance

3.1 Attendance

Scheduled Present: Mayor Peter Carter
Deputy Mayor Renae Coles
Cr Eva Bartho
Cr Jan Gillingham
Cr Warren McDonogh
Cr Tim Turner
Cr Kylie Unkovich
Cr Elmar Zielke

Scheduled for Attendance: Carl Askew (Chief Executive Officer)
Karren MacClure (Director Corporate Services)
Josephine Bianchi (Director Community Services)
Craig Watts (Director Regulatory Services)
Lee Furness (Director Infrastructure Services)
Angelique Cook (Senior Governance Advisor)
Joshua Brown (Governance Advisor)
Lisa Duggan (Corporate Support Officer / Minute Taker)

3.2 Attendance by Telephone / Instantaneous Communications**3.3 Apologies****3.4 Approved Leave of Absence**

Cr Lewis Kew Ming

3.5 Disclosure of Interests

Item 4 Applications for Leave of Absence

Item 5 Response to Previous Questions

Item 6 Public Time

Important note:

'This meeting is being recorded on audio tape and streamed live online as an additional record of the meeting and to assist with minute-taking purposes which may be released upon request to third parties. If you do not give permission for recording your participation please indicate this at the meeting. The public is reminded that in accordance with Section 6.16 of the Town of Port Hedland Local Law on Standing Orders nobody shall use any visual or vocal electronic device or instrument to record the proceedings of any meeting unless that person has been given permission by the chairperson to do so. Members of the public are also reminded that in accordance with section 6.17(4) of the Town of Port Hedland Local Law on Standing Orders mobile telephones must be switched off and not used during the meeting.'

In accordance with section 6.7(3) of the Town of Port Hedland Local Law on Standing Orders, members of the public are required to complete a question form and place the completed form in the tray provided.

If the Presiding Member determines that questions and statements are out of order due to the use of an offensive or objectionable expression or are defamatory, they will not be recorded or responded to.

6.1 Public Question Time

6.2 Public Statement Time

6.3 Petitions/Deputations/Presentations/Submissions

Item 7 Questions from Members without Notice

Item 8 Announcements by Presiding Member without Discussion

The Mayor's meetings for the month of November 2020:

Date	Meeting	Topic
02/11/20	Meet with BHP	Meet and greet with new BHP Asset President for Iron Ore
02/11/20	Weekly Talk of Town radio segment	Weekly Radio Interview
04/11/20	Meeting with Mr Jaffrey	WWII Veteran recognition
04/11/20	Horizon Power function	Stakeholder event
05/11/20	Talk of Town radio segment	Radio chat following 4 November 2020 Ordinary Council Meeting
05/11/20	Meet with Ecana International	Tyre Recycling Project
05/11/20	Roy Hill Community Network Event	Stakeholder event
07/11/20	PHCCI Business of the Year Awards	Attended to present award
09/11/20	Meet with Qube	Meet and greet and update on operations
10/11/20	Meet with Hedland High School	Meet and greet with new Hedland High School Principal
10/11/20	Fortnightly ABC chat	Fortnightly radio chat
11/11/20	Weekly Talk of Town radio segment	Weekly Radio Interview
11/11/20	Remembrance Day	Remembrance day ceremony
11/11/20	Meet with Pheonix Security	Community Safety Matters
12/11/20	Champions to Country Breakfast	Attended to open event
12/11/20	Meet with Minister Templeman	Minister for Local Government attended to meet the new Elected Members
12/11/20	Spirit Carnival	Royal Lifesaving WA event held at SHAC
12/11/20	Meeting with Port Hedland Industries Council (PHIC)	Meet and greet with PHIC CEO
12/11/20	Royal Lifesaving WA Bravery Awards	Attended to present Bravery Awards
13/11/20	Spoilbank Marina with Minister MacTiernan	Official Sod Turning of the Spoilbank Marina Access Road
13/11/20	Meeting with Minister MacTiernan	Marina and various other matters
16/11/20	Meeting with Chamber of Minerals & Energy	Meet and greet, general update on operations
16/11/20	Meeting with Kevin Michel	General catch up
17/11/20	Meet with Roy Hill	General update on operations
18/11/20	Meet with Premier's office	Invest in Hedland

18/11/20	Hedland Highschool Year 12 Awards night	Attended as guest
19/11/20	Meet with PHCCI, CEO	Bi-monthly meeting
23/11/20	Meet with Rio Tinto	Mining Exploration updates
23/11/20	Pilbara Country Zone meeting	As per the agenda on WALGA website
24/11/20	Meet with Development WA	Land development matters
25/11/20	Police Indigenous Service Awards	Attended as guest
26/11/20	Talk of Town radio segment	Radio chat following 25 November 2020 Ordinary Council Meeting
26/11/20	Fortnightly ABC chat	Fortnightly radio chat

Item 9 Declarations of All Members to Have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting

Item 10 Confirmation of Minutes of Previous Meeting

Disclaimer

Members of the public are cautioned against taking any action on Council decisions, on items on this evening's Agenda in which they may have an interest, until formal notification in writing by the Town has been received. Decisions made at this meeting can be revoked, pursuant to the Local Government Act 1995.

OFFICER'S RECOMMENDATION

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 25 November 2020 are a true and correct record.

SIMPLE MAJORITY VOTE REQUIRED

Item 11 Reports of Officers

11.1 Corporate Services

11.1.1 POLICY REVIEW - AMENDMENTS TO 1/028 RELATED PARTY DISCLOSURES, 2/019 FINANCIAL RESERVES, 2/018 BORROWINGS AND 2/020 CORPORATE CREDIT CARD

Author: Manager Financial Services

Authorising Officer: Director Corporate Services

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION 1

That Council pursuant to section 2.7 (2) (b) of the *Local Government Act 1995* accept amendments and review to Policy 1/028 'Related Party Disclosures', as per Attachment 1.

SIMPLE MAJORITY VOTE REQUIRED

OFFICER'S RECOMMENDATION 2

That Council pursuant to section 2.7 (2) (b) of the *Local Government Act 1995* accept amendments and review to Policy 2/019 'Financial Reserves' as per Attachment 2.

SIMPLE MAJORITY VOTE REQUIRED

OFFICER'S RECOMMENDATION 3

That Council, pursuant to section 2.7 (2) (b) of the *Local Government Act 1995* accept amendments and review to Policy 2/018 'Borrowings' as per Attachment 3.

SIMPLE MAJORITY VOTE REQUIRED

OFFICER'S RECOMMENDATION 4

That Council, pursuant to section 2.7 (2) (b) of the *Local Government Act 1995* accept amendments and review to Policy 2/020 'Corporate Credit Card' as per Attachment 4.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider minor amendments made to '1/028 Related Party Disclosures', '2/007 Rating' and '2/019 Financial Reserves' and accept review of the Town's Policies '2/005 Debt Management', '02/018 Borrowings' and '2/020 Corporate Credit Card'.

DETAIL

Policies are adopted by Council and establish guidelines or provide direction for the Town of Port Hedland's (Town) activities and actions. Policies are defined as the principles and intent behind the programs that a local government implements. A policy can also be a general plan or approach to a specific need, problem or issue.

The Finance business unit is currently undertaking a comprehensive review of the respective policies to ensure that policies are relevant and up to date. The policies have been reviewed and amended where required for presentation to Council for endorsement as there has been a length of time that has passed since they were last reviewed.

1/028 Related Party Disclosures

Policy 1/028 'Related Party Disclosure' was created to provide a framework to ensure that the Town's Financial statements contain the disclosures necessary to draw attention to the possibility that is financial position and profit or loss may have been affected by the existence of related parties, transactions and outstanding balances, including commitments with such parties.

The policy required minor amendments to ensure it is relevant and up to date. These amendments can be viewed in Attachment 1.

2/019 Financial Reserves

Policy 2/019 'Financial Reserves' provides an outline for the establishment and ongoing management of financial reserves. This document is an important policy as reserves may only be utilised for the purpose for which they were created. This policy was reviewed in April 2020, however some of the amendments were missing on the documentation, so it has been correctly updated in this policy review.

Fundamentally, the policy is sound with only a minor amendment required to ensure it is not missing fundamental parts of the policy. These amendments can be viewed in Attachment 2.

2/018 Borrowings

Policy 2/018 'Borrowings' provides a framework for the Town's Council borrowings so there is a controlled and disciplined approach to the borrowing of funds.

The policy has been reviewed and there are no amendments required. The policy can be viewed in Attachment 3.

2/020 Corporate Credit Card

Policy 2/020 'Corporate Credit Card' provides the guidelines and principles that need to be followed by the Credit Card holders at the Town.

The policy has been reviewed and one minor amendments was required. The policy can be viewed in Attachment 4.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, as it does not meet any of the criteria listed in the policy which deems it significant.

CONSULTATION

Internal

- Director of Corporate Services; and
- Manager Governance.

External Agencies

- City of Albany;
- City of Bunbury;
- City of Busselton;
- City of Karratha; and
- City of Canning.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

The role of Council, as stated in section 2.7(2)(b) of the *Local Government Act 1995*, is to determine the Local Government's policies.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resource implications relevant to this item, as the Town has not made any payments for rewards in recent times.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following section of the Town's Strategic Community Plan 2018-2028 is applicable in the consideration of this item:

- 4.b.3 Transparent and regular governance reporting and communication to the community is undertaken

There are no significant identifiable environmental, social or economic impacts relating to this item.

Disability Access and Inclusion Plan

The following outcome of the Town's Disability Access and Inclusion Plan 2017-2022 apply in relation to this item:

- Outcome 3 – Information

Corporate Business Plan

The following action of the Town's Corporate Business Plan 2018-2022 apply in relation to this item:

- 2.b.3.1 – Regularly review policies and local laws to minimise red tape within statutory frameworks.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item, as it may be perceived that the Town's policies are outdated and do not reflect the Town's current practices. The risk rating is considered to be low (3), which is determined by a likelihood of possible (3) and a consequence of insignificant (1).

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

Council is required to regularly review its policies to ensure they are relevant, up to date and meet the needs of Council and the community. It is recommended that Policy '1/028 Related Party Disclosures', '2/007 Rating' and '2/019 Financial Reserves' amendments are accepted and to accept review of the Town's Policies '2/005 Debt Management', '02/018 Borrowings' and '2/020 Corporate Credit Card'.

ATTACHMENTS

1. Attachment 1 - 1/028 Related Party Disclosures (under separate cover)
2. Attachment 2 - 2/019 Financial Reserves (under separate cover)
3. Attachment 3 - 2/018 Borrowings (under separate cover)
4. Attachment 4 - 2/020 Corporate Credit Card (under separate cover)

11.1.2 ALTERNATIVE QUEEN'S BIRTHDAY PUBLIC HOLIDAY DATE 2021

Author: Governance Advisor
Authorising Officer: Director Corporate Services
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council make a written request for the Proclamation of an alternate date for the Celebration Day for the Anniversary of the Birthday of the Reigning Sovereign (Queen's Birthday Public Holiday) of 2 August 2021.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider an alternate date for the Birthday of the Reigning Sovereign (Queen's Birthday Public Holiday) and initiate the process to obtain the Proclamation of the Queen's Birthday Public Holiday on 2 August 2021.

DETAIL

The Governor has declared that the Celebration Day for the Anniversary of the Birthday of the Reigning Sovereign (Queen's Birthday public holiday) will be observed on Monday 27 September 2021. The Town of Port Hedland (Town) local government district has a long history of observing the public holiday on the occasion of the running of the Hedland Cup, which will take place on 2 August 2021.

The Council has previously held a policy position that:

"The Queen's Birthday Public Holiday will be on the Port Hedland Cup Day, unless a change of date is approved by Council. If Port Hedland Cup Day is on a weekend then the Public Holiday will be on the next week day."

This Policy was rescinded at the Ordinary Council Meeting held 22 June 2020 (Council Decision Number CM202021/003), as a resolution of Council is required each year going forward for the approval of the *Queen's Birthday Holiday (Port Hedland and Karratha) Proclamation*.

Pursuant to section 8 of the *Public and Bank Holidays Act 1972*, the proper instrument for establishing when a certain public holiday is to be celebrated is by Proclamation by the Governor in Executive Council. A Proclamation under this Act must be published in the *Gazette* at least three (3) weeks before the date chosen, and needs to be countersigned by the Minister for Industrial Relations. The Proclamation is, as a practice, initiated by the local government concerned. A Council decision provides the legitimacy to initiate the process of obtaining the Proclamation.

Written requests for a Proclamation are to be submitted with the Department of Mines, Industry, Regulation and Safety, by Friday, 29 January 2021.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because it relates to largely ceremonial nature.

CONSULTATION

Internal

- Executive Leadership Group;
- Senior Governance Officer; and
- Governance Advisor.

External Agencies

- Port Hedland Turf Club.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

Section 8 of the *Public and Bank Holidays Act 1972* refers to the Governor having the power to alter the day appointed for a public holiday (Attachment 1).

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial resource implications associated with the proposed changes.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following section of the Town's Strategic Community Plan 2018-2028 is applicable in the consideration of this item:

- 4.a.3 A positive narrative and unique brand is developed and promoted

There are no significant identifiable environmental, social or economic impacts relating to this item.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item as failure to facilitate the Proclamation of the alternative date for the Public Holiday will likely detract from the Town's standing in the community. The risk rating is considered to be low (1), which is determined by a likelihood of rare (1) and a consequence of insignificant (1).

The risk will be eliminated by the adoption of the officer's recommendation and the Proclamation of the Public Holiday.

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

CONCLUSION

It is recommended that Council endorse the request for the Proclamation of an alternate date for the Celebration Day for the Anniversary of the Birthday of the Reigning Sovereign (Queen’s Birthday Public Holiday) of 2 August 2021.

ATTACHMENTS

1. Section 8 Public and Bank Holidays Act 1972 (under separate cover)

11.1.3 ATTENDANCE AT EVENTS POLICY

Author: Governance Advisor
Authorising Officer: Director Corporate Services
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council, pursuant to section 5.90A of the *Local Government Act 1995*, adopt the Attendance at Events Policy, as per Attachment 1.

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the adoption of a new policy for attendance at events.

DETAIL

Policies are adopted by Council to set out agreed positions and to provide a framework for consistent decision making. Policies are the decisions of Council, which set out the agreed views and direction with respect to certain matters, and define the principles and intent behind the programs that a local government implements. A policy can also be a general plan or approach to a specific need, problem or issue.

Section 5.90A of the *Local Government Act 1995* (the Act) requires all local governments to prepare and adopt an Attendance at Events policy. The attached Attendance at Events Policy (Attachment 1), has been drafted to meet the requirements the provisions of the section of the Act.

The purpose of the policy is to provide a framework to transparently manage invitations and offers of tickets to events for Elected Members and the Chief Executive Officer (CEO), whether free of charge, part of a sponsorship agreement, or paid for by the Town of Port Hedland or another party, and to avoid any real or perceived undue influence, conflicts of interest, preferment or favouritism in decision-making.

Acceptance of an invitation or attendance at an event in accordance with this policy will remove any obligation to disclose the gifting of a ticket, even where the donor has a matter before council.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, as it does not meet any of the criteria listed in the policy which deems it significant.

CONSULTATION

Internal

- Director of Corporate Services; and
- Senior Governance Advisor.

External Agencies

- Department of Local Government, Sport and Cultural Industries;
- Shire of Broome;
- City of Joondalup; and
- City of Karratha.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

Section 2.7(2)(b) of the *Local Government Act 1995* provides that a council is to determine the local government's policies.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resource implications relevant to this item, as the Town has not made any payments for rewards in recent times.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following section of the Town's Strategic Community Plan 2018-2028 is applicable in the consideration of this item:

- 4.b.3 Transparent and regular governance reporting and communication to the community is undertaken

There are no significant identifiable environmental, social or economic impacts relating to this item.

Disability Access and Inclusion Plan

The following outcome of the Town's Disability Access and Inclusion Plan 2017-2022 apply in relation to this item:

- Outcome 3 – Information

Corporate Business Plan

The following action of the Town's Corporate Business Plan 2018-2022 apply in relation to this item:

- 2.b.3.1 – Regularly review policies and local laws to minimise red tape within statutory frameworks.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item, as it may be perceived that the Town's policies are outdated and does not reflect the requirements of *Local Government Act 1995*.. The risk rating is considered to be low (1), which is determined by a likelihood of rare (1) and a consequence of insignificant (1).

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

It is recommended that Council adopted the new Attendance at Events Policy to meet the statutory requirements of s5.90A of the *Local Government Act 1994*.

ATTACHMENTS

1. Attendance at Events Policy (1/029) (under separate cover)

11.1.4 TOWN OF PORT HEDLAND REPRESENTATION ON THE PORT HEDLAND INDUSTRIES COUNCIL - COMMUNITY INDUSTRY FORUM

Author: Senior Governance Advisor
Authorising Officer: Director Corporate Services
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council:

1. Appoint Mayor Peter Carter as the representative of the Town of Port Hedland to the Port Hedland Industries Council - Community Industry Forum; and
2. Note the amended 'Elected Member External Groups Representation Information Statement', as per Attachment 1.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider formally appointing the Mayor as the representative of the Town of Port Hedland to the 'Port Hedland Industries Council - Community Industry Forum', following the determination of the Extraordinary Local Government Election, held on 17 October 2020.

DETAIL

Following each Local Government Election, Elected Members' representation on external groups/committees are revised. This report is to formally appoint the Mayor Peter Carter to become a member of the 'Port Hedland Industries Council - Community Industry Forum' as the Town's representative.

This report also highlights the distinction between those groups Elected Members may join or be part of in their capacity as a community member, and those external groups/committees where Elected Members represent the Town and their membership is formalised by a Council resolution.

Background

At the Ordinary Council Meeting held on 4 November 2020, Elected Members were formally appointed and nominated as members of various external group/committees as the Town's representative (Council Decision: CM202021/078). Information about the external groups/committees is summarised in the amended 'Elected Member External Groups Representation Information Statement' (Attachment 1).

On 5 November 2020 the Town of Port Hedland (Town) received correspondence from the Chief Executive Officer of the Port Hedland Industries Council (PHIC), formally inviting the Mayor to become a regular representative on its Community Industry Forum (CIF).

Port Hedland Industries Council - Community Industry Forum

PHIC was established by industry port users in 2009 to provide a collaborative approach to cumulative industry issues.

PHIC provides a single industry point of contact and coordinates inter-industry responses to issues such as air quality and noise. The PHIC is the lead representative body on issues where two or more operators are involved.

PHIC has been running the CIF for the past year. This forum shares information about industry events, Port Hedland community events or activities that might need to be discussed, considered or promoted.

CIF is an active group that represents a cross section of the community (eg. industry, government, Indigenous representatives, community groups, education sector, health sector and interested community members).

Information about the purpose, function, roles and responsibilities of the PHIC Community Industry Forum is defined in its Terms of Reference (Attachment 2).

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, due to potential implications to the Town of Port Hedland and its Strategic Community Plan and Corporate Business Plan and potential for public interest.

CONSULTATION

Internal

- Executive Leadership Team; and
- Executive Assistant to the Chief Executive Officer & Mayor.

External Agencies

- Port Hedland Industries Council - Community Industry Forum.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

- Policy 4/010 'Elected Members Travel and Training'.

FINANCIAL AND RESOURCES IMPLICATIONS

Costs associated with attendance at meetings with external agencies are included in the Town of Port Hedland 2020/2021 budget, under 'Members of Council Accommodation and Travel Expenses', which has a balance of approximately \$24,000.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following section of the Town's Strategic Community Plan 2018-2028 is applicable in the consideration of this item:

- 4.a.1 Town of Port Hedland is represented and advocated for in International, Federal, State and regional forums and policy development

There are no significant identifiable environmental, social or economic impacts relating to this item.

Disability Access and Inclusion Plan

The following outcomes of the Town's Disability Access and Inclusion Plan 2017-2022 apply in relation to this item:

- Outcome 1 – Services and Events
- Outcome 3 – Information

Corporate Business Plan

The following actions of the Town's Corporate Business Plan 2018-2022 apply in relation to this item:

- 4.a.1.1 Research and develop a coordinated response to town issues in line with the Strategic Community Plan

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because this reports aims to preserve the positive reputation of Council in the community and with stakeholders. If representatives are not appointed, the Town may miss important opportunities to represent Port Hedland at a regional and/or State level. The risk rating is considered to be low (4), which is determined by a likelihood of rare (1) and a consequence of major (4).

This risk will be eliminated by the adoption of the officer's recommendation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Do not adopt officer's recommendation

CONCLUSION

This reports aims to preserve the positive reputation of Council in the community and with stakeholders. The Town of Port Hedland has a vested interest to working in unison with various external organisations and community stakeholders with the aim to foster relationships, promote open communication, develop concepts, address concerns and provide services across the community.

Formally appointing Mayor Peter Carter to the Port Hedland Industries Council ensures that the community's ambition of having Port Hedland represented on a regional, State and potentially Federal level is achieved.

ATTACHMENTS

1. Elected Member External Groups Representation Information Statement (under separate cover)
2. 2019 PHIC_CIF Terms of Reference.pdf (under separate cover)

11.1.5 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 OCTOBER 2020

Author: Senior Financial Accountant
Authorising Officer: Director Corporate Services
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council, pursuant to section 6.4 of the *Local Government Act 1995*:

1. Receive the Statement of Financial Activity for the period ended 31 October 2020;
2. Receive the Material Variance Report for the period ended 31 October 2020;
3. Note the Accounts paid under delegated authority for period ended 31 October 2020; and
4. Receive the Credit Card Statements for period ended 31 October 2020.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is to present to Council the Statement of Financial Activity for the period ended 31 October 2020. Supplementary information is also presented to Council to provide further information regarding the Town's activities.

DETAIL

The information provided in this report is for the period ended 31 October 2020, with financial results included in *Attachment 1. Statement of Financial Activity Notes 1-11* prepared by the Town of Port Hedland (Town).

It should be noted that the accounts presented with this agenda are based on 2019/20 unaudited statements, with the previous financial year closing positions rolling forward as the opening position for 2020/21. While the statements are accurate, the financials are subject to final external audit and may change. This will result in differences between the financials attached and the financial statements presented for financial year 2019/20.

The Town's financial activity reports use a materiality threshold to measure, monitor and report on financial performance and position of the Town.

As part of the 2020/21 original budget, Council adopted the following thresholds as levels of material variances for financial reporting.

1. With regards to expenditure classified as capital projects, a variance of 10% or \$10,000, whichever is greater, of the year to date budget, with individual project as the level that requires explanation; and
2. With regards to all other items, excluding capital projects identified above, a variance of 10% or \$50,000, whichever is greater, of the year to date budget, with Nature and Type as the level that requires explanation.

The opening funding deficit of (\$209K) presented in YTD Actual on the Statement of Financial Activity is as per the closing deficit for unaudited June 2020 financial statements.

The net current funding position as at 31 October 2020 was \$40.30M. The breakdown of the cash position is displayed below:

	2020/21 Actuals
Current Assets: Cash and Investments	\$272.2M
Restricted Cash – Reserves	\$238.4M
Unrestricted Cash Position as at 31 October 2020	\$33.8M

Previous Decisions

The Statements of Financial Activity are presented to Council each month for noting.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because this report is presented to Council for information purposes only.

CONSULTATION

Internal

- All consultation and engagement is conducted internally.

External Agencies

- Nil

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* detail the form and manner in which a local government is to prepare its statement of financial activity.

FINANCIAL AND RESOURCES IMPLICATIONS

The statement of financial activity is to be supported by such information, as is considered relevant by the local government, containing:

- a. an explanation of the composition of the net current assets of the month, to which the statement relates, less committed assets and restricted assets;

- b. an explanation of each of the material variances referred to in sub-regulation (1)(d); and
- c. supporting information, as is considered relevant by the local government.

Reserves:

Ensure compliance will section 6.11 of the *Local Government Act 1995* when reserve accounts are utilised.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following section of the Council's *Strategic Community Plan 2018-2028* is applicable in the consideration of this item:

- 4.b.1 Sound long-term financial planning is implemented
- 4.b.2 Transparent and regular financial reporting and communication to the community is undertaken
- 4.b.3 Transparent and regular governance reporting and communication to the community is undertaken

There are no significant identifiable environmental, social or economic impacts relating to this item.

RISK MANAGEMENT CONSIDERATIONS

As per the risk matrix contained in Policy 1/022 'Risk Management', the level of risk is considered to be Medium (6) .

There is a risk rating of medium (6) assigned in 2020/21 budget to the risk that a reduction in income or increase in expense throughout the 2020/21 financial year, is likely to have an impact on the Town's ability to meet service levels or asset renewal funding requirements. The risk action plan is to monitor revenue and expenditure on a regular basis, ensure in line with budget and amend as needed.

OPTIONS

Option 1 – Adopt officer's recommendation

Note the Statement of Financial Activity and reports for the period ended 31 October 2020 in accordance with regulation 34(1) of the Local Government (Financial Management) Regulations 1996.

Option 2 – Amend officer's recommendation

That Council receive the Statement of Financial Activity for the period ended 31 October 2020 and request further information or clarification.

Option 3 – Do not adopt officer's recommendation

That Council do not note or receive the Statement of Financial Activity for the period ended 31 October 2020.

CONCLUSION

The opening funding deficit of \$209K presented in YTD Actual on the Statement of Financial Activity, is as per the closing deficit presented in the unaudited financial statements. The net current funding position is \$40.30M.

ATTACHMENTS

1. Attachment 1 - Financial Statements October 2020 (under separate cover)
2. Attachment 2 - Material Variance Report October 2020 (under separate cover)
3. Attachment 3 - Accounts paid under delegated authority October 2020 (under separate cover)
4. Attachment 4 - Credit Card Statements October 2020 (under separate cover)

11.2 Community Services

11.2.1 COURTHOUSE GALLERY QUARTERLY REVIEW (JULY TO SEPTEMBER 2020)

Author: Manager Community Development
Authorising Officer: Director Community Services
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council receive the Courthouse Gallery quarterly management report from The Junction Co. for the period July – September 2020.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to receive the Courthouse Gallery quarterly management report for the period July – September 2020.

DETAIL

Background

The contract for the management of the Courthouse Gallery was executed on 14 June 2019. The contract covers the period 1 July 2019 to 30 June 2021 and also provides the option of three further terms of 12 months. At the Ordinary Council Meeting on 23 September 2020, in accordance with clause 5.2 (1) of the Courthouse Gallery Management Agreement, Council approved a 12 month extension to the initial contract term, resulting in a new contract expiry date of 30 June 2022.

As per clause 24.2 of the agreement, The Junction Co. is to provide the Town of Port Hedland (Town) with a quarterly report, including the following:

- Income and expenditure;
- Patronage of programs and activities;
- Marketing and communication activities undertaken; and
- Maintenance and capital expenditure.

Desired outcomes of the agreement with The Junction Co. are as follows:

- Exhibitions and sale of local art;
- High quality programming, including presentations and workshops;
- Partnerships with local organisations and community groups;
- High quality customer service to visitors of the Gallery;
- A focus on continuous improvement and service growth at the facility;
- A safe, clean and hygienic environment for staff, customers and other visitors;
- Strong and accountable financial management; and
- Clear, concise and accurate quarterly reporting on the operations of the facility.

Courthouse Gallery quarterly management report

The quarterly report (Attachment 1) outlines the progress made by The Junction Co in the period July - September 2020. During this quarter, The Junction Co. reported a net operational deficit of \$5,625.94. It is noted that in 2019/2020 Q4, the Junction Co reported a net surplus of \$382,527.11, predominantly due to a one-off payment of \$375,000, which although received in the 2019 – 2020 Q4 reporting period, will be expended in the 2020 – 2021 financial year.

A summary of the key achievements for the quarter July to September 2020 are noted below:

- Deep surface exhibition – including opening night event
- Youth Art prize - including winners being announced at an ‘Open Day’ event
- Opening of new Ceramics Studio, and
- Attendance at two Town of Port Hedland ‘see you at’ park activation events.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of medium significance, because the management of the Courthouse Gallery has positive impacts on the arts and culture opportunities and programs provided by the Town.

CONSULTATION*Internal*

- Senior Arts and Culture Officer.

External Agencies

- The Junction Co.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

Nil.

FINANCIAL AND RESOURCES IMPLICATIONS

In 2020-2021, the Town has allocated a management fee of \$500,000 to The Junction Co. (Excl GST), to be paid in equal quarterly instalments.

All contract payments made to The Junction Co. are detailed in Clause 6 of the Agreement and Item 3 of the Agreement schedule.

The management fee payable to The Junction Co. and other costs relevant to the operations of the Courthouse Gallery are included in the Town’s annual budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following sections of the Town’s Strategic Community Plan 2018-2028 are applicable in the consideration of this item:

- 1.c.1 The community, industry, arts and cultural organisations are engaged to identify, plan and coordinate events and activities
- 1.c.2 Events and activities to celebrate the Town's cultural heritage, arts and Pilbara lifestyle are consistently programmed and delivered
- 1.c.3 Partnerships with industry and government to support events and activities are enhanced
- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities

The management of the Courthouse gallery is also referenced in the Towns Arts and Culture Strategy which details the following outcomes:

- Work with local stakeholders and organisations to develop a consolidated events program that ensures year round activation, caters for a diversity of demographics and reduces clashes within Hedland/Pilbara, and
- Develop training and support resources for community groups to deliver arts and cultural initiatives and events.

Social

There are social benefits from having high quality arts and culture facilities and experiences available to the community. The Courthouse Gallery fulfils an integral role in activating the Town's West End, as an artistic, historical and cultural precinct.

There are no significant identifiable environmental or economic impacts relating to this item.

Disability Access and Inclusion Plan

The following outcomes of the Town's Disability Access and Inclusion Plan 2017-2022 apply in relation to this item:

- Outcome 1 – Services and Events
- Outcome 2 – Buildings and Facilities
- Outcome 4 – Quality of Service

Corporate Business Plan

The following actions of the Town's Corporate Business Plan 2018-2022 apply in relation to this item:

- 1.d.3.1 – Support the provision of cultural, sporting and recreational facilities that are fit for purpose.
- 2.b.5.1 – Work with stakeholders to enhance the reputation of the Town.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because it may be perceived that the Town has not performed in its duty to provide an Art Gallery, and arts and culture programming to the community. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

To reduce this risk, the Town will regularly monitor and report on the performance of The Junction Co. and ensure key deliverables outlined in the management contract are being met.

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

CONCLUSION

This report is provided to inform Council of the financial and operational progress made by The Junction Co from April - June 2020, in its role as Manager of the Courthouse Gallery.

ATTACHMENTS

1. Courthouse Gallery 2020-2021 Q1 report (under separate cover)

11.3 Regulatory Services

11.3.1	ADOPTION OF LOCAL PLANNING POLICY 05 - WORKFORCE ACCOMMODATION AND LOCAL PLANNING POLICY 06 - SOCIAL IMPACT ASSESSMENT
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Author: Senior Strategic Planner
Authorising Officer: Director Regulatory Services
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council:

1. Adopts *Local Planning Policy 05 – Workforce Accommodation* with modifications as presented in Attachment 1 of this item and adopts *Local Planning Policy 06 – Social Impact Assessment* with modifications as presented in Attachment 2 of this item;
2. Advertises the adopted *Local Planning Policy 05 – Workforce Accommodation* and *Local Planning Policy 06 – Social Impact Assessment* in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider adoption of *Local Planning Policy 05 – Workforce Accommodation* (LPP/05) and *Local Planning Policy 06 – Social Impact Assessment* (LPP/06) with modifications following feedback received during the public advertising period.

DETAIL

LPP/05 and LPP/06 were initiated at the Ordinary Council Meeting held on 24 June 2020 pursuant to regulation 3, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). In acknowledgement of the varying characteristics of a workforce, the Town of Port Hedland (Town) has focused its policy formulation on the lifespan of workforce accommodation facilities to ensure the individual and cumulative impacts can be appropriately addressed, and benefits realised for the community, industry proponents, and industry workforces.

Public advertising

Subsequent to the initiation of draft LPP/05 and draft LPP/06, the policies were advertised for a period of twenty-one (21) days from 8 July 2020 to 29 July 2020, through an advertisement in the North West Telegraph, letters to State agencies, adjoining local governments and industry proponents including the resources sector and workforce accommodation providers, and published on the Town's website. At the request of proponents, this consultation period was extended for a further ten (10) days.

During the public advertising period, officers of the Town also facilitated two video conferences with Roy Hill (at their request) on the 30 July 2020 and 17 August 2020 to discuss Royhill's feedback and further refinement of draft LPP/05. A meeting was also held with BHP and their consultants to discuss their submission. At the conclusion of the public advertising period, six submissions were received concerning LPP/05, and three submissions were received relating to LPP/06. Submissions made for LPP/05 and LPP/06 are summarised in Attachment 3 and Attachment 4, respectively.

Proposed modifications

In accordance with the Regulations, the LPP/05 and LPP/06 have been reviewed, having regard to all submissions made. The submissions made on the draft policies were detailed and well considered, providing the Town with valuable information to propose refinement. The modifications to LPP/05 and LPP/06 have been summarised as follows:

- Editorial modifications to correct formatting, errors, omissions, new or superseded information and alignment with WALGA's *Local Planning Policy Guide*.
- Modifications to strengthen text regarding when a planning exemption may apply and confirming the Town does not intend to apply the policies retrospectively.
- Refinement of LPP/05 objectives which respond to submissions and clarify the Town's position
- Modifications to the LPP/05 concerning location suitability within Kingsford Smith Business Park and Port Hedland International Airport that maintains existing land use rights for workforce accommodation.
- Modifications to LPP/05 'Policy Provisions' to respond to submissions and provide an acceptable development pathway.
- Review and refinement Design standards in response to submissions.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance. A significant reason for the introduction of this policy is to respond to community sentiment regarding the impact of workforce accommodation on the sustainability of the Town's urban areas.

CONSULTATION

Internal

- Director Regulatory Services; and
- Manager Town Planning and Development.

External Agencies

- State government agencies;
- Adjoining local governments; and
- Industry proponents including rescourses sector and accommodation providers.

Community

Subsequent to their initiation, draft LPP/05 and LPP/06 were advertised for a period of thirty one (31) days from 8 July 2020 to 8 August 2020, through an advertisement in the North West Telegraph and on the Town's website.

In accordance with regulation 4, Schedule 2 of the Regulations, should Council adopt LPP/05 and LPP/06 the Town will publish a notice of the new policies in the North West Telegraph. A copy of both adopted policies will also be made available at the Civic Centre and on the Town's website.

LEGISLATION AND POLICY CONSIDERATIONS

- *Planning and Development (Local Planning Schemes) Regulations 2015.*
- *Town of Port Hedland Local Planning Scheme No. 5.*
- *Draft Town of Port Hedland Local Planning Scheme No.7*
- *Town of Port Hedland Position Statement – Workforce Accommodation*

FINANCIAL AND RESOURCES IMPLICATIONS

There is a financial cost of advertising the adopted Policies in the North West Telegraph with an approximate cost of \$600.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following sections of the Town's Strategic Community Plan 2018-2028 are applicable in the consideration of this item:

- 1.b.2 A residential workforce is promoted to industry as the preferred option
- 2.b.2 The Town's economic development strategy is supported through engagement with key economic groups
- 2.b.3 Red tape for business is minimised through review and reform of relevant policies and by-laws
- 3.b.4 Innovation and resilience of the built form are encouraged, assessed and implemented
- 4.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services

There are no significant identifiable environmental, social or economic impacts relating to this item.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item as industry stakeholders have been engaged on the Town's policy position and failure to implement these changes may impact the Town's reputation. The risk rating is considered to be medium (6), which is determined by a likelihood of unlikely (2) and a consequence of moderate (3). This risk will be eliminated by the adoption of the officer's recommendation.

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

CONCLUSION

By adopting LPP/05 and LPP/06 with modifications, Council will ensure planning instruments and development applications balance the individual and cumulative impacts from workforce accommodation and ensure these can be appropriately addressed, and benefits realised for the community, industry proponents, and industry workforces.

ATTACHMENTS

1. Local Planning Policy 06 (under separate cover)
2. Local Planning Policy 05 (under separate cover)
3. LPP05 - Schedule of Submissions (under separate cover)
4. LPP06 - Schedule of Submissions (under separate cover)

11.3.2 JOINT DEVELOPMENT ASSESSMENT PANEL APPLICATION FOR DEVELOPMENT APPROVAL - GAS POWER PLANT EXPANSION - 2020/158

Author: Senior Planner
Authorising Officer: Director Regulatory Services
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council recommends the Kimberly/Pilbara/Gascoyne Joint Development Assessment Panel approves DAP Application reference DAP/20/01872 and accompanying plans in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and Town of Port Hedland Local Planning Scheme No. 5, subject to the following conditions and advice notes:

1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
2. All development and use of the land must be carried out in accordance with the approved plans as listed below:
 - a. Site plan, 1 of 7, 24 Sept 2020;
 - b. Engine halls & ancillaries, 2 of 7, 24 Sept 2020;
 - c. Battery system, 3 of 7, 24 Sept 2020;
 - d. Transformer 4 of 7, 24 Sep 2020;
 - e. Switchyard bay elevation, 5 of 7, 24 Sept 2020;
 - f. Control building elevation, 6 of 7, 24 Sept 2020; and
 - g. Engine hall elevation, 7 of 7, 27 Aug 2020.
3. Prior to lodging a Building Permit, a public art concept plan shall be submitted to the specification and satisfaction of the Town (the Town) for approval. This shall have details of proposed public art to a minimum value of \$150,000 in accordance with Local Planning Policy/04 Percent for Public Art. The approved artwork shall be completed prior to the occupation or use of the development, to the specification and satisfaction of the Town of Port Hedland and shall be maintained for the duration of the development.
4. Prior to the lodgement of an application of a building permit, the developer shall submit detailed plans of the whole development to the specification and satisfaction of the Town for approval. These shall contain details including but not limited to:
 - a. Elevations;
 - b. Site plans;
 - c. Stormwater and hydrocarbon management; and
 - d. Earthworks/civil plans.

The completed development shall be consistent with the approved plans and any stormwater or hydrocarbon infrastructure maintained to the satisfaction of the Town.

Advice Notes

1. A building permit must be obtained for development, including but not limited to fencing, retaining walls, signage, bin stores and light posts, prior to the commencement of construction. The developer should liaise with the Town's Planning and Development Services in this regard.
2. The Town's Environmental Health Services advise that temporary construction ablutions require an 'Application to construct or install an apparatus for the treatment of sewerage'.
3. The Environmental Protection Authority has advised the following:
 - a. The proposal would likely be assessed under Part IV of the Environmental Protection Act 1986 (EP Act);
 - b. Key Environmental Factors of the assessment would likely be Air Quality, Human Health and Greenhouse Gas Emissions;
 - c. From the modelled emissions of the proposal and its location the buffers appear appropriate and there are unlikely to any impact on human health if appropriate controls are put in place;
 - d. The emissions would be regulated via a licence from Part V of the EP Act as a prescribed premise. Additional controls may be put in place via conditions under Part IV of the EP Act if the risk to sensitive receptors was significant and the risks required specific mitigation.
4. The applicant shall gain approval from the Town of Port Hedland for the installation of any new on-site effluent disposal system, prior to the commencement of site works for the infrastructure.
5. Main Roads WA advises that all works, including transportation of oversized objects that may impact the Great Northern Highway must be cleared by Main Roads WA prior to commencement.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to make a recommendation to the Joint Development Assessment Panel (JDAP) for the proposed gas power plant expansion at Lot 255 Boodarie Station Access Road, Boodarie (the site). The Town of Port Hedland (the Town) must make a recommendation to the Kimberley Pilbara Gascoyne JDAP by noon, 21 December 2020.

DETAIL

The site is located approximately four kilometres to the south-west of the South Hedland town site and west of the Great Northern Highway (see Attachment 1 – Location Plan). It has direct frontage and access to the Boodarie Station Access Road, measures 20.5 hectares in area and is Crown Land, leased to Alinta DEWAP Pty Ltd and Alinta DEWAH Pty Ltd (Alinta Energy), until 6 April 2030. The permitted use of the Crown Lease is:

“Construction, provision, use, operation and maintenance of a power plant and for ancillary and incidental purposes.”

A sublease has been granted to Newcrest for the ownership and operation of a gas yard in the eastern corner of the site. This allows the delivery of gas to the power station via the Pilbara Energy Pipeline (PEPL). The power station is an integral part of the power supply for the resource industry in the Pilbara, connecting to the North West Interconnected System (NWIS) and supplying BHP and Fortescue. The power station was originally commissioned in 1995 and is licenced to generate 150MW from gas turbines and diesel generators. Alinta Energy is licenced to retail electricity and intends to supply commercial and industrial customers in Port Hedland and Karratha.

With the continued introduction of intermittent energy sources into the NWIS, such as rooftop solar panels, Alinta Energy have identified a need for a fast response system that balances electricity generation capacity. The proposed reciprocating engines will satisfy this need.

The application seeks approval for an expansion of the power station with the addition of gas fuelled reciprocating engine generators and a utility scale battery. Alinta Energy has advised that the expansion of the power station with the addition of energy efficient generators will allow the provider to offer more competitively priced electricity to customers within the area.

The proposed plant and equipment is located within the existing yard and will ensure that no new fill or regrading is needed. The main components proposed in this application include:

- 60MW natural gas fuelled reciprocating engine generating sets;
- Engine halls to house the reciprocating engine generating sets;
- Control room and ancillary equipment;
- A 40MW battery energy storage system; and
- New switchyard bays.

Indicative plans of the proposed development are contained within Attachment 2 – Development Plans. The applicant has advised that the site plan and elevations are indicative and will be finalised during detailed design after a contractor is selected through a competitive procurement process. This is due to alternative plant and equipment options that are available to meet energy generation needs.

Details on each of the components is expanded on in more detail below.

Reciprocating engine generating sets

These are made in a wide range of capacities ranging from a few kW to greater than 15MW. Alinta Energy does not know the specific model or capacity of the engine generating sets that will be installed until further development activities are undertaken. This includes a competitive tender process and selecting a preferred supplier. It is likely that the individual engine generating sets selected will be in the range of five to ten MW with the total additional capacity being approximately 60MW. The engine hall will be designed and developed to suit the number and size of units selected.

Reciprocating engine halls

The gas fuelled reciprocating engine generating sets will be installed within one or more dedicated engine halls and will be cyclone rated. The purpose of the engine hall is to:

- Protect the engines from exposure to the elements, which will prolong the lifetime of the power station;
- Prevent damage during high winds and impacts from dust; and
- Manage atmospheric and noise emissions from the power station by introducing options for controlling exhaust flow and acoustic treatments.

Control room and ancillary equipment

A control room is required to collect, direct, condition and monitor the operating performance of plant, equipment and associated auxiliary systems and electrical panels. The control room is a single building and contains communication systems and electrical panels. It will be located approximately 200m from the existing control rooms and integrated with the system.

Battery energy storage system

The storage system is proposed to be largely containerised with no moving parts, no air or odour emission and no significant noise emitting components. These battery systems are typically modular and will be designed to allow additional storage capacity to be added over time, should demand necessitate it. Each module of battery capacity is typically comprised of:

- One 12m container of battery units;
- One 12m container of inverters and power electronics;
- One coupling transformer; and
- One Heating, Ventilation and Air Conditioning (HVAC) system.

As with the reciprocating engine generating sets, the final layout and configuration of this equipment is dependent upon the final supplier selected. A similar arrangement at the Newman Power Station, which was completed in 2017, has a similar capacity of 35MW and is made up of five modules and ten containers.

Switchyard bays

The existing switchyard at the power station contains six bays and there is sufficient space to install several more bays. This application requires additional infrastructure in the switchyard to accommodate the connections. These new bays are expected to be constructed to the north of the existing bays and will be similar in design. All new infrastructure is expected to fit within the existing fenced area and on the yard.

Development footprint

The subject site comprises 20.5 hectares and the filled yard (benched area) makes up approximately eight hectares. Of the eight hectares, there is two hectares which are unoccupied and contained within an existing security fence. The benched area available is more than sufficient to support the proposed development and provide a safe operational environment. No additional fill or modifications to the natural ground level are required.

Zoning	
TPS5 & TPS7:	TPS5: Reserved for 'Other Public Purposes: Energy' TPS7: Zoned 'Strategic Industry'
Use Class:	TPS5: Infrastructure TPS7: Industry
Development Scheme:	Local Planning Scheme No. 5 & draft Local Planning Scheme No. 7
Lot Size:	20.5 hectares
Existing Land Use:	Infrastructure (power station)

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the proposed development is important in meeting future electricity demand.

CONSULTATION

Internal

The application has been referred internally to the Town's Technical Services Officer, Senior Environmental Health Officer and Manager of Environmental Health and Community Safety. Comments received have been considered and included as advice notes contained within the Officer's recommendation.

External Agencies

The proposal was advertised to the following agencies and departments via email on 30 September 2020:

- Main Roads WA;
- Department of Water and Environmental Regulation;
- Department of Jobs, Tourism, Science and Innovation; and
- Environmental Protection Authority.

Comments were invited until 23 October 2020 and the following is a summary of responses received.

Main Roads WA

No objections. It does not appear that any of the works will impact Main Roads assets. Should the proposal be approved, a condition/advice note is recommended: *"All works including transportation of oversized objects that may impact the Great Northern Highway must be cleared by Main Roads WA prior to commencement."*

Department of Water and Environmental Regulation

From a water resource perspective, the Department does not have any comments or objections. The Department has not yet received an amendment application for an Operating Licence under Part V of the EP Act.

Department of Jobs, Tourism, Science and Innovation

The Department supports the proposed development as it will increase the efficiency, reliability and security of supply to major industrial developments within the region and it will lower the carbon intensity of the electricity consumed. The expansion will also support the future development of industrial uses within the Boodarie Strategic Industrial Area.

Environmental Protection Authority

No objections raised and the following information provided. The material provided so far indicates that:

- The proposal would likely be assessed under Part IV of the Environmental Protection Act 1986 (EP Act);
- Key Environmental Factors of the assessment would likely be Air Quality, Human Health and Greenhouse Gas Emissions;
- From the modelled emissions of the proposal and its location the buffers appear appropriate and there are unlikely to any impact on human health if appropriate controls are put in place;
- The emissions would be regulated via a licence from Part V of the EP Act as a prescribed premise. Additional controls may be put in place via conditions under Part IV of the EP Act if the risk to sensitive receptors was significant and the risks required specific mitigation.

Given the level of information available at this time we are unable to assess the proposal under section 38 of the EP Act.

A copy of all submissions received are contained within Attachment 3 – Referral Agency comments.

Community

The proposal is not required to be advertised under the *Planning and Development Regulations (Local Planning Schemes) 2015*, Local Planning Scheme No. 5 or draft Local Planning Scheme No. 7. Given that the proposed development is ancillary to the existing power station and the adjacent one to the south, in addition to no sensitive land uses and compatible industrial uses in proximity, the Town did not advertise the proposal.

LEGISLATION AND POLICY CONSIDERATIONS

Local Planning Scheme No. 5

- The land is reserved for 'Other Public Purposes: Energy'.
- It enjoys an established Special Control Area 'Gas Power Station Buffer' for limiting new sensitive land uses nearby.
- The surrounding land is compatibly zoned 'Strategic Industry' and 'Rural'.
- The proposed development is best defined as 'Infrastructure', which means:
"Physical equipment or systems, such as cables, pipelines, roads, railways, conveyors and pumps constructed, operated and maintained by a public authority or private sector body for the purposes for conveying, transmitting, receiving or processing water, sewerage, electricity, gas, drainage, communications, raw materials or other goods and services, but does not include industry."
- Part 2 – Reservations, applies to development proposals. This states:

“Where an application for development approval is made with respect to land within a reservation, the local government shall:

- (a) Have regard to the ultimate purpose intended for the reservation,*
 - (b) Have regard for the intentions of agencies with responsibility for managing and developing the reservations, and*
 - (c) Confer with the organisations it considers relevant to the reservation and the proposed use or development.”*
- The proposed development is consistent with the purposes for which it is reserved and no State or Internal Departments have objected to it.

Draft Local Planning Scheme No. 7

- Much remains unchanged from Local Planning Scheme No. 5 with the exception of the land use definition and reservation/zoning. The changes are consistent with the *Planning and Development Regulations (Local Planning Schemes) 2015* and the proposal remains compatible with the draft scheme.
- The land is zoned ‘Strategic Industry’.
- It enjoys a Special Control Area ‘Gas Power Station Buffer’ for limiting new sensitive land uses nearby.
- The surrounding land is compatibly zoned ‘Strategic Industry’ and ‘Rural’.
- The proposed development is best defined as Industry, which means:

“Means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes –

- (a) The storage of goods;*
 - (b) The work of administration or accounting;*
 - (c) The selling of goods by wholesale or retail;*
 - (d) The provision of amenities for employees;*
 - (e) Incidental purposes.”*
- Part 3 – Zones and use of the land applies to development proposals. The objective of the zone is *“To designate industrial sites of State or regional significance.”* Industry is a Discretionary use under the Zoning Table, which means it can be approved.
 - The proposed development is consistent with the purposes for which it is zoned for.

Boodarie Strategic Industrial Area Structure Plan

- The land is identified as suitable for ‘utilities’.
- The proposal will not prejudice the future development of infrastructure corridors.

Local Planning Policy/04 – Percent for Public Art

The purpose of this Policy is to assist in achieving the following objectives:

1. Increase the social, cultural, and economic value of the Town in conjunction with the Town’s Arts & Culture Strategy 2019-2022;
2. Acknowledge and celebrate Indigenous culture and heritage;
3. Develop and promote community identity within the Town to bridge communities;
4. Establish new design partnerships between artists, architects and other professionals;
5. Celebrate environment, industry, and lifestyle; and
6. Increase public awareness of the value of art, design and culture.

The Policy requires that development applications exceeding \$2 million set aside a minimum of one percent of the total project cost for the development of public art. This is capped at \$150,000. This development application is not exempt from contributing to public art under Clause 3.1.2 *Developments excluded from the requirement to contribute*.

The total cost of development is \$200 million. Accordingly, it is recommended that a condition be imposed that requires public art to be provided to the effect of \$150,000.

Community impact - Noise

Alinta Energy commissioned specialist consultant, Herring Storer Acoustics, to undertake an acoustic assessment of the proposed expansion. The assessment found that for all identified residential and industrial receptors there is expected to be no scenario where noise impacts from Alinta Energy's operations would exceed statutory impact thresholds. The contribution to cumulative noise emissions from the proposed expansion is likely to have no perceptible change at sensitive receptors.

Community impact – Odour

The proposed power station expansion will use the same natural gas fuel which is currently used at the power station. Other than the exhaust from the reciprocating engine generating sets, there will be no other new emissions to air. There are not expected to be any adverse odour impacts as a result of the proposed expansion.

Community impact – Heritage and Native Title

The project does not require any new land tenure as the development footprint is entirely within the existing Crown Lease area. There will be no additional disturbance beyond the existing cleared and benched area within the site security fence. Negotiations and consultation with Traditional Owners regarding Native Title rights are directly related to the granting of tenure which is not necessary for this project. Separate from and prior to the development of this Project, Alinta Energy and the Kariyarra People completed negotiations and entered into an Electricity Infrastructure Agreement on 11 September 2018. This Agreement contemplates the granting of a crown lease to Alinta Energy for land around the Boodarie turbines as well as future development projects in Kariyarra country.

Community impact – Visual amenity

To assess the potential visual amenity impact of the proposal, consideration was given to the sensitivity of the site, i.e. the capacity to absorb the proposed development and the magnitude of the potential impact, specifically the scale, form and character of the proposal. The focus of the assessment was the impact on the locations most accessible to the public. In this instance the most frequented public areas with a view of the site is the Great Northern Highway.

Landscape sensitivity refers to the extent to which a proposed change can be absorbed by the existing landscape without having an unacceptable adverse impact on the character of that landscape. The key inputs for consideration of landscape sensitivity included:

- Existing conditions of the site and surrounds;
- Local planning policies and controls;
- Photographs and aerial images.

The scale of the visual impact is based upon the distance of the viewer and the largest visual component in the view shed from a given viewpoint. Four primary viewpoints with regular and/or likely public accessibility were considered and identified as:

1. The entrance to the site;

2. Intersection of Boodarie Station Access Road and Great Northern Highway;
3. North of the site along the Great Northern Highway; and
4. South of the site along the Great Northern Highway.

The proposed development is located amongst a range of existing electricity infrastructure. Not only is the existing power station a major component of the existing view shed, there are also a number of transmission towers and the adjacent power station owned by TransAlta.

The applicant has advised that it is likely, following detailed design, that the heights of the proposed development will be taller than the other components currently found at power station. The indicative exhaust stack height identified is approximately 18m while the three existing exhaust stacks for the gas turbines are approximately 15m. From all considered viewpoints the proposed development would be largely blocked from view by existing infrastructure.

In most cases the view shed is dominated by other, taller and/or larger components such as bulk diesel storage tanks or the exhaust stacks and cooling tower associated with the nearby TransAlta power station. The tallest components on the adjacent TransAlta site are two exhaust stacks which are approximately 35m above ground level. The third exhaust stack and the cooling tower structure are approximately 25m above ground level. All of these structures, as well as the transmission towers are taller than the proposed development.

Considering the relevant viewpoints, the distance of the likely views (in excess of 200m), the potential number of viewers and the current composition of the view shed, there will be no material impact to visual amenity as a result of the proposed development.

Traffic and Transport

Construction of the project will require approximately 100 full time workers over the course of 12 months. There will be an increase in light vehicle traffic to and from the site during the construction period as the construction workers commute from their accommodation to the work site and back. The volume of traffic that will be associated with the proposed expansion is expected to be much less in quantity and duration than the traffic using the road during the construction of the Roy Hill Iron Ore port facilities.

There are seven Alinta Energy personnel attending the power station on a daily basis with car parking spaces for up to 20 vehicles. The regular number of vehicles on site during a typical day is five. Additional operations personnel will be employed to support the increased asset base at the power station. There is ample space to serve the needs for parking of an increased operational workforce.

Air emissions

The Port Hedland air space is subject to a significant amount of emissions due to the high level of industrial activity within the area. The primary pollutants of concern when assessing the impacts of a gas fired power station are NO₂ and CO. There would also be a component of dust emissions created by the construction of the expansion project. Alinta Energy engaged Northstar Air Quality (Northstar) to undertake an Air Quality Impact Assessment (AQIA) of the proposed expansion project. The AQIA considered not only the potential impact due to the expansion project, but the cumulative impact of Alinta Energy's existing operations (including the Boodarie turbines), the proposed expansion and the TransAlta South Hedland Power Station which is adjacent to and west of power station.

The applicable standard applied to this assessment was the legislated Australian National Environmental Protection Measure (NEPM) (Ambient Air Quality). The cumulative air quality impacts predicted at a range of sensitive receptors were all well below the thresholds contained in the NEPM for Ambient Air Quality. The contributors to cumulative emissions include not only the power generation infrastructure, but also a component from background air quality measurements. The results show that in the conservative modelling environment, there is no air quality impact of concern.

Based on the assumptions used in the AQIA, it is predicted that the operation of the proposed development will not result in a breach of the ambient air quality standards. This is the case considering the proposal in isolation as well as in a cumulative scenario which includes Alinta Energy's existing power station, the South Hedland Power Station and background ambient air quality.

Stormwater management

Stormwater at the site is currently directed to one of two destinations. Stormwater that falls across the broad areas of the site and on the internal roads is collected in spoon drains and discharged off the edge of the pad into the vegetated areas surrounding the power station.

There are five primary stormwater discharge locations. Stormwater that falls within bunded areas or other locations where there is the potential for hydrocarbon spills or contamination is captured in the oil water containment system. This water is directed to the oil water separator, cleaned and then discharged into the evaporation pond at the north of the site. The proposed development is not expected to change the volume or treatment of stormwater from the site. Areas of the proposed development which are bunded or potential sources of hydrocarbon contamination may be connected to the existing oil water treatment system if the capacity is adequate. If a new system is needed to accommodate the additional volume of oil water, then that system will be designed and installed by the contractor as part of the contract works. Construction activities are not expected to change the requirements for stormwater management.

FINANCIAL AND RESOURCES IMPLICATIONS

None.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following sections of the Town's Strategic Community Plan 2018-2028 are applicable in the consideration of this item:

3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed

2.c.1 Business and government agencies and other relevant stakeholders are engaged to:

There are no significant identifiable environmental, social or economic impacts relating to this item.

RISK MANAGEMENT CONSIDERATIONS

There is a service interruption risk associated with this item because the NWIS will require additional power generating infrastructure in the future. The risk rating is considered to be medium (6), which is determined by a likelihood of unlikely (2) and a consequence of moderate (3). The risk is eliminated by adopting the Officer's report.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The proposal will provide more efficient and responsive power generation with the ability to offer network support and reliability. The proposed expansion will improve the efficiency, reliability and overall performance of the network. An increase in the efficiency of operations will reduce the production cost of electricity and the associated carbon emissions at the power station and facilitate improved electricity supply offerings to regional customers. The proposed development will be fully contained within the existing site boundary and will not change the current purpose, amenity, land use or impact on neighbouring landowners.

Based on the provisions of Local Planning Scheme No. 5, draft Local Planning Scheme No. 7 and the Boodarie Strategic Industrial Area Structure Plan, the subject site is an appropriate location for the proposed gas power plant extension.

ATTACHMENTS

1. Attachment 1 - Location plan (under separate cover)
2. Attachment 2 - Development plans (under separate cover)
3. Attachment 3 - Referral agency comments (under separate cover)

11.3.3	APPLICATION FOR DEVELOPMENT APPROVAL – WAREHOUSE/STORAGE AND INCIDENTAL OFFICE – LOT 9008 GREAT NORTHERN HIGHWAY, PORT HEDLAND
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Author: Graduate Planner
Authorising Officer: Director Regulatory Services
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council pursuant to *Clause 74 of Schedule 2 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015* approves Development Application 2020/220 for 'Warehouse/Storage' and 'Incidental Office' on Lot 9008 Great Northern Highway, Port Hedland, subject to the following Conditions and Advice Notes:

Conditions:

1. The approved development shall be in accordance with the stamped approved plans (DWG2020/220/1 – DWG2020/220/2) and details submitted with the application, and these shall not be altered without the prior written consent of the Town of Port Hedland;
2. This development approval is valid for a period of eighteen (18) months. On or prior to the end of this period, the development and use shall cease and the land reinstated to the specification and satisfaction of the Town of Port Hedland;
3. A detailed landscaping plan shall be submitted by 1 February 2021 to the specification and satisfaction of the Town of Port Hedland for approval. The landscaping plan shall include but not limited to the following:
 - a) The location, number, size, density and species of proposed shrubs and trees;
 - b) Vegetation buffer zones fronting Port Haven;
 - c) Mulched areas;
 - d) Screening of the operations on-site from the street and neighbouring lots; and
 - e) The areas to updated and reticulated;

The approved landscaping plan must be fully implemented within thirty (30) days of the Town approving the plan and shall be maintained for the duration of the development to the satisfaction of the Town.

4. A dust management plan shall be submitted by 4 January 2021 to the specification and satisfaction of the Town of Port Hedland. The dust management plan shall include but not limited to the following:
 - a) Objectives;
 - b) Performance criteria and monitoring methods;
 - c) Response strategy when winds exceed designated thresholds;
 - d) Quality assurance/control requirements;

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- e) Roles and responsibilities; and
 - f) Complaints management.

The dust management plan shall be assessed by the Town of Port Hedland by 12 January 2021 or alternative agreed extension. The approved dust management plan must hereby be implemented and maintained for the duration of the development to the satisfaction of the Town of Port Hedland.

- 5. When winds are sufficiently strong to negate the effects of the dust management plan, suppression and mitigation measures contained in the dust management plan, all operations on-site must cease until conditions improve and compliance can be achieved;
- 6. A noise management plan shall be submitted by 4 January 2021 to the specification and satisfaction of the Town of Port Hedland. The noise management plan shall include but not limited to the following:
 - a) A description of works;
 - b) Contractor details;
 - c) Equipment;
 - d) Noise and vibration predictions;
 - e) Noise and vibration monitoring;
 - f) Noise and vibration control measures;
 - g) Complaint response procedures;
 - h) Procedure and recording of complaints;
 - i) Community notification; and
 - j) Appendices.

The noise management plan must be assessed by the Town of Port Hedland by 12 January 2021 or alternative agreed extension. The approved noise management plan must hereby be implemented and maintained for the duration of the development to the satisfaction of the Town of Port Hedland.

- 7. A Traffic Management Plan shall be submitted by 4 January 2021 to the specification and satisfaction of the Town of Port Hedland. The traffic management plan shall include but not limited to the following:
 - a) Peak times of vehicle traffic;
 - b) Impact to adjoining network;
 - c) Types of vehicle traffic (oversize / over mass);
 - d) Surface treatments – sedimentation controls (storage areas / hardstand / access roads);
 - e) Road widths;
 - f) Road geometry, terrain, vegetation, and structures;
 - g) Turning templates (hardstand and crossover areas);
 - h) Details of loading / unloading areas;
 - i) Access to adjoining properties / businesses;
 - j) Night work provisions; and
 - k) Adverse weather (cyclone / flooding) mitigation measures.

The traffic management plan must be assessed by the Town of Port Hedland by 12 January 2021 or alternative agreed extension. The approved traffic

management plan must hereby be implemented and maintained for the duration of the development to the satisfaction of the Town of Port Hedland.

8. A stormwater management plan shall be submitted by 4 January 2021 to the specification and satisfaction of the Town of Port Hedland. The stormwater management plan shall include but not limited to the following:
 - a) Details of swale depth, width, capacity calculation to show new drain equivalent to existing;
 - b) Cemented rock pitching at discharge point(s);
 - c) Embankment protection;
 - d) Details of swale crossing; and
 - e) Details of drainage connections to existing culverts.

The stormwater management plan must be assessed by the Town of Port Hedland by 12 January 2021 or alternative agreed extension. The approved stormwater management plan must hereby be implemented and maintained for the duration of the development to the satisfaction of the Town of Port Hedland.

9. All transportable buildings must comply with the Town of Port Hedland Local Planning Policy 03 – Shipping/Sea Containers and Transportable Buildings Clause 4.2 – Scenario J;
10. Building pads shall be filled a minimum of 500mm above the 100 year ARI as per the Town of Port Hedland’s Highway Precinct Design Guidelines;
11. All operations on-site must comply with the Town of Port Hedland’s Local Planning Policy 08 – Port Hedland International Airport Obstacle Limitations Map at all times to the satisfaction of the Town of Port Hedland;
12. Existing survey marker/control point(s) must not be damaged in any way for the duration of the development;
13. All vehicle parking must occur on-site and in the nominated area as per (DWG2020/220/1) to the satisfaction of the Town of Port Hedland; and
14. In the event of a cyclone ‘yellow alert’ all loose material capable of becoming airborne must be tied down to the specification and satisfaction of the Town of Port Hedland.

Advice Notes:

1. The use of cracker dust is not permitted given its probability to erode during rainfall events which comprises on-site drainage systems and the public drainage network, in addition to becoming wind-borne and causing dust issues;
2. The proposed development (transportable buildings) requires a Building Permit in accordance with the *Building Act 2011* prior to the commencement of construction;

3. This approval constitutes development approval only and does not obviate the responsibility of the landowner / developer to comply with all relevant health, building, and engineering requirements;
4. The landowner / developer shall ensure all activities related to the construction of the development (such as but not limited to storage of building materials and contractor vehicles) be contained wholly within the site boundaries;
5. It is the responsibility of the landowner / developer to ensure the building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging on the site. The Town of Port Hedland will take no responsibility for incorrectly located buildings;
6. Any new or existing wastewater treatment, storage or disposal systems require the submission of an application for the construction and installation of apparatus of the treatment of sewage to the Town's Environmental Health Services. Construction and use of a waste water system cannot occur until approval is granted;
7. All vegetation clearance must be maintained with the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*; and
8. If you object to the decision or any of the conditions imposed, you may request the Town of Port Hedland reconsiders the decision. The right to request reconsideration is separate and does not impinge upon any right of appeal under the *Planning and Development Act 2005*.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to determine Development Application (DA) 2020/220 which seeks approval to temporarily utilise Lot 9008 Great Northern Highway, Port Hedland for the purpose of 'Warehouse/Storage' and 'Incidental Office' commencing on 12 January 2021 and operating for a maximum of 18 months.

DETAIL

Temporary Exemption from Development Approval

On 25 November 2020 CLE Town Planning + Design, on behalf of Iron Bridge Operations Pty Ltd and Port Hedland International Airport approached the Town of Port Hedland with an urgent need to secure approval to use land to temporarily store shipments of pipeline for the Iron Bridge Magnetite Project. The proponent had originally significantly progressed securing a lease over alternative land for the pipeline laydown area, however, this lease was not able to be secured at the last minute. By the time the proponent became aware of this, the first shipment of pipeline had left for Port Hedland.

The first shipment is due to arrive on 12 December 2020. This resulted in an application for a temporary exemption from development approval to be applied for between 7 December 2020 and 12 January 2021 to allow the first shipment to be lawfully placed on Port Hedland International Airport land. This temporary exemption was conditionally granted by the Town of Port Hedland for the following reasons:

- The Town of Port Hedland confirmed that DA 2020/220 for 'Warehouse/Storage' and 'Incidental Office' on Lot 9008 Great Northern Highway, Port Hedland, will not be able to be determined until Ordinary Council Meeting held on 16 December 2020 and therefore temporary exemption is required to allow lawful use of the land for the first shipment;
- Access to the site is required from 7 December 2020 in order to prepare a portion of the site for the arrival of the first shipment;
- The temporary exemption needed to extend until 12 January 2021 because if Council resolves to approve the application at its December 16 meeting, it is anticipated that the approval will be contingent upon satisfying specific conditions in order for the approval to be lawful, meaning that the development approval may not be valid for a short period after the 16 December determination date and until the conditions are satisfied. It was therefore appropriate to extend the temporary exemption to 12 January 2021 to allow time to satisfy conditions; and
- If Council resolves to refuse the application, the temporary exemption ceases to apply from 12 January 2021 and Iron Bridge Operations Pty Ltd will need to remove all materials from the site and secure an alternative site for the pipeline laydown area.

CLE Town Planning + Design were granted an exemption from development approval on 7 December 2020 in accordance with clause 61 (1) (f), Schedule 2 'deemed provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). Clause 61 (1) (f) of the Regulations states that development approval of the local government is not required for "temporary works which are in existence for less than 48 hours, or a longer period agreed by the local government, in any 12 month period."

An exemption from development approval was granted on 7 December 2020, subject to the following conditions:

1. The proponent must confirm in writing that prior to the commencement of any works, noise generating activities are confined to 07:00 to 19:00 Monday to Saturday and shall not operate on Sundays and Public Holidays (unless otherwise approved under Regulation 13 of the *Environmental Protection (Noise) Regulations 1997*);
2. Appropriate dust management actions are required to prevent emission of dust from the site, including but not limited to:
 - watercarts are used to suppress any dust generating activities to the satisfaction of the Town;
 - disturbance caused by vehicle movements are limited to defined access roads; and
 - upon the impact of increased winds, increased frequency of watercart use and dust suppression techniques must be employed to the satisfaction of the Town;
3. Any installation of ablution blocks with sub-storage tanks or the installation of any storage or treatment systems will require approval by the Town and the Western Australian Department of Health;
4. Dial before you dig summary must be provided by to the Town prior to the commencement of any works;

5. Existing survey marker/control point to be maintained for the duration of the development; and
6. All operations on-site must comply with the Town's Local Planning Policy 08 – Port Hedland International Airport Obstacle Limitations Map at all times to the satisfaction of the Town.

Temporary exemption was granted from 7 December 2020 to 12 January 2021 only, or until development application 2020/220 becomes valid, whichever occurs sooner. Should development application 2020/220 be conditionally approved by Council, the aforementioned conditions shall be superseded by the Council decision. If Council elect to refuse development application 2020/220, the temporary exemption shall remain valid, but all operations must cease as of 12 January 2021.

The Temporary Exemption can be viewed as Attachment 6 of this report.

Background

CLE Town Planning + Design, on behalf of Iron Bridge Operations Pty Ltd, have applied for a temporary 'Warehouse/Storage' and 'Incidental Offices' on the Port Hedland International Airport land located at Lot 9008 Great Northern Highway, Port Hedland. The temporary storage use of the site is associated with construction of the Iron Bridge Magnetite Project. The project itself is located 145km south of Port Hedland and involves extracting high grade magnetite from the North Star and Glacier Valley Magnetite bodies.

Proposal

The project involves construction of a 135km long concentrate pipeline from the mine site to Port Hedland port and a 221km long raw water pipeline from the Canning Basin to the mine site. The individual pipes used in the construction of the pipeline are being shipped to Port Hedland where they will be unloaded, transported and stored at Lot 9008 Great Northern Highway, before being trucked to site for construction of the pipeline.

The temporary storage of the pipes is proposed to occur on the Port Hedland International Airport (PHIA) site as identified on the attached location and site plan. The use of the land is primarily for storage with other incidental development including:

- Site offices with ablution facilities and staff amenities;
- Localised earthworks and drainage;
- Grading of internal access roads/aisles;
- A designated central hardstand area for the loading/unloading of trucks; and
- A car park for staff and visitor parking.

It is anticipated that 12 to 14 shipments of pipe will arrive at Port Hedland between 12 December 2020 and 31 August 2021, with the first shipment scheduled to arrive on the 12th of December. Temporary approval is sought for a period of 18 months to allow for project construction to be completed with additional time allowed for contingencies.

Operations

The following summarises the key aspects of the proposed operation:

- Approximately 30 personnel will work on site at any given time, twelve of which will be based in the site office;

- Day to day, the site will typically operate between the hours of 06:00 and 18:00. The majority of transport activities will occur during these hours and will involve the loading of pipes onto trucks for transport to site; and
- When one of the 12 to 14 shipments arrives at port, unloading activities at PHIA will occur as needed and outside of 06:00 to 18:00 time period, running 24/7 until the shipment is fully unloaded. This is expected to occur over three to five days with approximately 100 loads per day delivered to the PHIA site during this period.

Planning Assessment

Local Planning Scheme No. 5 (LPS5)

LPS5 remains the operative planning scheme within the Town of Port Hedland, notwithstanding the fact that draft Local Planning Scheme No. 7 has been adopted by the Town and is currently with the Western Australian Planning Commission for assessment.

The proposed storage use falls under the definition of a ‘storage facility/depot/laydown area’, defined by LPS5 as *“any land, buildings or other structures used for the storage and transfer of goods including salvaged items, the assembling of prefabricated components of products and includes milk depots, earthworks contracting yards and salvage yards.”*

The proposed use is discretionary within the ‘Airport’ zone and is therefore capable of approval. The proposed use is consistent with the objectives of the zone stated at clause 4.1.4 of LPS5 as it:

- Will not impact airside operations, thereby protecting airport infrastructure and operations;
- Is not a sensitive use that will be affected by aircraft noise;
- Does not involve the construction of buildings and/or structures of a height that exceeds the height limitation standards associated with the Airport Local Planning Policy/08 Port Hedland International Airport; and
- Reinforces the transportation functions of the Airport as the site area will be used as a transportation hub for the temporary storage of goods prior to being delivered to site.

Draft Local Planning Scheme No. 7 (LPS7)

As draft LPS7 has been advertised and is expected to be endorsed by the Minister in early 2021, consideration has been given to the future land use permissibility of the development and use.

Under draft LPS7 definitions, the proposed use is defined as ‘warehouse/storage’ meaning *“premises including indoor or outdoor facilities used for the storage of goods, equipment, plant or materials; or the display or the sale by wholesale of goods.”*

The use of ‘warehouse/storage’ is discretionary use under the proposed ‘PHIA Special Use Zone 1’ and so would also be capable of approval under the draft LPS 7.

Highway Precinct Design Guidelines

The Highway Precinct Design Guidelines (Guidelines) were adopted by Council on 4 November 2020 as a local planning policy. Given the temporary nature of the development, the Town can

exercise discretion as the outcomes intended by the Guidelines will not be prejudiced by the development which will cease after 18 months.

Condition #2 has been recommended that requires the proponent on or prior to the end of the development approval, the use shall cease and the land be reinstated to its former/original condition to the specification and satisfaction of the Town. Similarly, further consideration of the strategic planning framework is not necessary as the short-term use will not prejudice the longer-term planning for the Airport.

Local Planning Policy 04 – Percent for Public Art

Local Planning Policy 04 – Percent for Public Art (Policy) was adopted by Council on 22 April 2020. Under Clause 3.1 of the Policy, *“All new developments and subdivisions on zoned or reserved land over the threshold value of \$2 million (two million dollars) shall set aside a minimum of one percent (1%) of the total project cost of the development to be put towards the provision of Public Art, except those development prescribes in Clause 3.1.2.*

Clause 3.1.2 of the Policy excludes the following works from providing public art:

- Demolitions;
- Single house developments;
- Grouped dwelling developments;
- Multiple dwellings of less than 12;
- Roads and footpaths;
- State and Federal projects where an equivalent public contribution policy is applied;
- Heritage works; and
- Developments exempt from planning approval.

Although this application is not exempt from the provision of public art under the Policy, given the temporary nature of the development and the predominantly storage use of the site, a public art condition for the provision of public art has not been recommended. Furthermore, it should be noted that final determination for all public art is at the discretion of the Town of Port Hedland, as indicated under part 3 of the Policy.

Building and Structures

To facilitate the primary storage and transport function of the site, the following temporary buildings are proposed:

- two x transportable office buildings;
- two x transportable crib hut buildings; and
- two x transportable toilet blocks.

All buildings will be located within the approximate 50m x 20m area identified on the attached site plan. It should be noted that an inset is shown to demonstrate the configuration of the temporary buildings, however, this is likely to change as the project progresses. The exact configuration of the temporary buildings is considered superfluous to the purpose of the development approval, provided that a defined area where the buildings will be located forms part of the approved plans, as is proposed.

As the buildings will be transportable structures, consideration of the Town’s Local Planning Policy 03 - ‘Shipping/sea containers & transportable buildings’ is required, specifically clause 4.2 ‘Transportable buildings, excluding shipping/sea containers’. Given that the transportable

buildings are temporary in nature and associated with a construction project, 'scenario J' for temporary construction activities is applicable. The proposal will comply with the 'scenario J' policy provisions as follows:

- A valid building permit will be obtained for all buildings;
- The buildings are wholly located within private property;
- The buildings are associated with a construction project and comprise site offices and staff amenities only; and
- The buildings will be removed at the cessation of the time-limited approval period.

To comply with Town's Local Planning Policy 03 'Shipping/sea containers & transportable' Policy, Condition #9 has been recommended to form part of the approval.

Storage and Circulation Areas

As demonstrated on the attached site plan, the majority of the site will be utilised for the storage of pipes, with all other elements of the proposal ancillary to this function. In addition to the storage areas, the following details are shown on the plan as part of the proposal:

- Circulation aisles for truck access through the storage areas;
- Designated areas for the stockpiling of fill at project commencement. This will then be used for the localised filling of the storage areas and building pads; and
- A central area that will be used for the loading and unloading vehicles as well as the storage of vehicles on site. This area will be where the most intensive site activities occur in terms of the loading and unloading of vehicles and will be constructed as a hardstand area. Once trucks are unloaded in this location, the pipes will then be moved by forklifts to the designated storage areas. This area is located approximately 350m from the nearest accommodation unit on the Port Haven site, ensuring significant separation distance to manage potential noise issues.

Plant and Equipment

The following vehicles will operate and be stored on site within the designated areas:

- A maximum of 30 light vehicles (utes) for transportation purposes;
- Maximum of six trucks used to supply fuel, lubricants and water for dust management;
- Maximum of 14 excavators and forklifts used for the loading and unloading of vehicles and moving pipes around site as needed; and
- Maximum of two graders/loaders for maintenance of laydown and circulation areas.

When the vehicles are not in use they will be stored centrally within the site so as to not be visible from the Great Northern Highway.

Earthworks

Alteration of the natural site levels is not required in association with the proposed storage use. Localised fill will be required in specific areas as follows:

- The pipes will be stored on approximate 300mm berms and so will be slightly elevated above the natural site contours; and
- Building pads will be filled a minimum of 500mm above the 100 year ARI as per the Town's *Highway Precinct Design Guidelines*.

Drainage

Stormwater from within the development site is proposed to follow the natural contours as per the pre-development scenario. This is proposed to occur via the following strategy:

- The existing drainage swale that conveys surface water from airside to GNH will be realigned around the storage areas as shown on the site plan and in accordance with the strategy approved as part of the Highway Precinct development approval;
- The access aisles in between the filled storage areas will act as quasi-drainage swales to convey surface water. The alignment and slope of the access aisles will follow the natural contours of the site, thereby conveying stormwater as per the pre-development scenario;
- Given the temporary nature of the development, no impervious surfaces are proposed. Run-off from the site will therefore be maintained at pre-development levels;
- The eastern storage area will drain in a westerly direction and into the realigned central north-south swale that connects the airside land to the existing GNH discharge point;
- The western storage area will drain in a northern direction where it will sheet across to the existing GNH discharge point as currently occurs; and
- Where proposed surface water lines intersect with internal access aisles, stormwater will be channelled via defined 'V-shape' depressions in the road.

Traffic and Access

Access to the site will be provided via the existing intersection with GNH. Internal access will be facilitated via an existing unsealed access track that connects to the GNH intersection. Internal circulation areas will facilitate access throughout the site and enable delivery trucks to enter and exit the site in forward gear. Access aisles are provided between all storage areas for the laydown and collection of the stored pipes. GNH and the approved intersection are designed for RAV 10 vehicle. All delivery vehicles will be within RAV 10 requirements.

The storage operations are expected to generate the following vehicle movements:

- During typical day to day operations, approximately 80 truck movements (40 in and 40 out) are expected to be generated in a 12 hour period between 06:00 and 18:00 (three in and three out per hour). There will not be a peak period and the truck movements will spread over the 12 hour period thereby contributing minimal additional traffic volumes onto GNH; and
- When a shipment of pipes arrives and is unloaded at port, truck movements will increase to 200 per day (100 in and 100 out) but will be spread over a 24 hour period (4 in and 4 out per hour). This number will not be in addition to the day to day operational traffic as these operations will cease when a shipment is being unloaded and transported to the PHIA storage area. There will not be a peak period and the truck movements will spread over the 24 hour period thereby contributing minimal additional traffic volumes onto GNH.

Parking

As outlined above, all larger vehicles will be stored within the central hard stand area identified on the site plan.

Provision will be made for the parking of staff and visitor vehicles at the entrance to the site and adjacent the office buildings. The number of staff and visitor vehicles will be minimal and so extensive car park areas are unnecessary. An area of approximate 20m x 60m will be set aside in the location proposed and will be made trafficable for passenger vehicles. The area identified

for parking will be capable of accommodating approximately 30 parking spaces based on a central aisle width of 6m and two rows of parking either side.

Noise and Dust

Both Noise Management and Dust Management Plans as per Condition's #4 and #5 are under currently under preparation.

For the purposes of assessing the development application, management strategies are outlined as follows:

- Dust will be managed through dust suppression involving water tankers spraying water onto trafficable areas;
- Noise will be managed by limiting day to day operations (excluding unloading of shipments) between 06:00 and 18:00;
- Loading and unloading that needs to occur between 18:00 and 06:00 when shipments arrive will be located centrally within the site and away from sensitive receiving land uses- approximately 350m minimum from the nearest Port Haven accommodation unit. Further, the large stored pipes will be situated between the noise source and receiving land uses creating a noise buffer. The central hardstand area will be used for all loading/unloading activities; and
- Silenced generators will be used for power supply.

Environmental Considerations

Clearing

A clearing permit has been obtained from the Department of Water and Environmental Regulation (DWER) for the clearing of native vegetation. In its decision to approve the clearing permit, DWER concluded that clearing is not likely to lead to an unacceptable risk to the environment. It was determined that clearing of the site would not impact any threatened flora, that the site does not contain significant habitat for conservation significant fauna and that in general, the area does not comprise a high level of biodiversity.

Site Contamination

Portions of the site have been previously identified as potentially asbestos containing material (ACM) affected. It is important to note that the proposed application area and development footprint does not encroach within these potentially ACM-affected areas, thereby not resulting in any risk.

Essential Services

Wastewater

All wastewater generated by staff using the on-site ablution facilities will be stored and tankered off site for disposal as needed. This is an appropriate solution given the temporary nature of the operations and minimal effluent volumes.

Water

A potable water supply is available via the Airport standpipe which will be made accessible to the project.

Power

Power will be provided via diesel generators located within the areas designated for buildings. Diesel fuel to power the generators (and other machinery) will not be stored on site but will be delivered by truck as needed.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of medium significance, given the size and scale of the development. As such, it’s essential the DA is determined with Conditions and Advice Notes to ensure amenity and essential infrastructure is maintained.

CONSULTATION

Internal

Department	Comment	Officer Comment
Health	<p><u>Wastewater</u></p> <p>Applicable Legislation <i>Health (Treatment of Sewage and Disposal of Liquid Waste) Regulations 1974</i></p> <p>Comment All new and amended systems (including storage systems) require the submission of an application for the construction and installation of apparatus for the treatment of sewage to the Town’s Environmental Health Services for assessment and approval.</p> <p><u>Noise</u></p> <p>Local Law Premises must comply with the Regulations at all times including during construction / installation / operational / shutdown periods.</p> <ul style="list-style-type: none"> • Where noise levels specified in the regulations are to be exceeded, a Noise Management Plan must be submitted to Environmental Health Services for approval under endorsement by the CEO. <p>Minimum requirements for a Noise Management Plan:</p> <ol style="list-style-type: none"> 1. A description of works; 2. Contractor details; 3. Equipment; 4. Noise and vibration predictions; 5. Noise and vibration monitoring; 6. Noise and vibration control measures; 7. Complaint response; 8. Procedure and recording of complaints; 	<p>Noted.</p> <p>Management Plans as per Conditions #4, #5, #6, and #7 have been recommended to form part of the approval.</p>

	<p>9. Community notification; and 10. Appendices.</p> <ul style="list-style-type: none"> - Site layout plan - Community notification leaflet - Community notification leaflet distribution area <p>Dust</p> <p>Local Law An owner and/or occupier of land must take all reasonable steps to:</p> <ul style="list-style-type: none"> a) Stabilise dust on the land; b) Contain all liquid waste on the land; and c) Ensure no dust or liquid waste is released or escapes from the land, whether by means of wind, water or any other cause. <p>If an owner or occupier of land intends to undertake any work involving the clearing of land, from which any sand or dust is likely to be released whether by means of wind, water or any other cause shall:</p> <ul style="list-style-type: none"> a) Submit to an authorised person a Dust Management Plan in accordance with “A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities” (2011) as produced by the Department of Environmental Regulation, and amended from time to time; and b) Obtain written approval of the Dust Management Plan from an authorized person before commencement of any work. <p>If land clearing occurs, compliance must be maintained with the <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i></p>	
<p>Infrastructure</p>	<p>Following a site visit with the Town’s Project Engineer, the following information was identified to be provided as part of the assessment and/or Condition of approval:</p> <ul style="list-style-type: none"> • All surface treatments to be detailed; • Dial before you dig info required (note there is an electrical line near the proposed new drain alignment); • Road widths to be detailed; • Submit CAD drawing / scaled plan; 	<p>Noted.</p> <p>Conditions #4, #6, #7, and #10 have been recommended to form part of the approval.</p>

	<ul style="list-style-type: none"> • Details of swale: depth, width, discharge point, capacity calculation to show new drain equivalent to existing; • Swale crossing details required; • Donga details required; • Upgrade crossover geometry to expected truck/RAV which will be used; • Reseal existing sealed pavement with asphalt from GNHWY to unsealed section; • Maintenance agreement for unsealed section of access track; • Operation activity to not exceed airport height restrictions; • Existing survey marker/control point near road to be retained; • Confirm if native vegetation on site is to be clear, if so detail extents of proposed clearing and sedimentation controls will be required (ref topsoil stockpiles detailed in plan); • Confirm both drain connections to existing airport will be retained; • Dust management plan required; • Existing embankments for Port haven site to be retained; and • Details of sweep paths and turn around. 	
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External Agencies

Organisation	Submission Summary	Officer Comment
Planning Solutions on behalf of BHP	<p>BHP has an arrangement with Compass Group to accommodate portion of its workforce at Port Haven. On behalf of BHP, we thank you for the opportunity to review and make a submission on the proposed development.</p> <p>We submit the development application has not sufficiently demonstrated there will be no unreasonable impact to the amenity of workers at Port Haven in terms of noise, dust, vibration, and visual amenity as explained in the following submission.</p>	<p>Noted.</p> <p>Condition's #3, #4, and #5 have been recommended as part of this approval to address the concerns raised by Compass Group.</p> <p>This submission</p>

	<p>PORT HAVEN Development approval was granted for Port Haven in 2009 for transient workforce accommodation. It includes accommodation of BHP workers in both day and night shifts, meaning at all times there will be a proportion of workers sleeping including during daytime hours. It is important workers are able to sleep undisturbed. Workers not able to have a restful sleep may be fatigued, which can be a contributing cause to accidents on worksites. The development site is at its closest approximately 30m from Port Haven accommodation units. Based on the development description, there will be forklift movements and the placement of pipes occurring in close proximity to accommodation units, during day and night.</p> <p>PLANNING OBJECTIVES The proposal is inconsistent with the general objectives of Town of Port Hedland Planning Scheme No.5 (TPS5), which at clause 1.5(a) includes to “encourage an appropriate balance between economic and social development, conservation of the natural environment, and improvements in lifestyle and amenity.” Specifically, the proposal is contrary to improving the lifestyle and amenity of the adjoining neighbours who reside at Port Haven. The proposal should not be supported on this basis alone. There are, however, further considerations which should be taken into account for the application’s assessment.</p> <p>Clause 67(n) of the Deemed Provisions at Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 requires consideration to be given to the amenity of the locality. We submit the application has not demonstrated the amenity of the locality has been preserved, due to information not being submitted and/or properly qualified with respect to noise, dust, vibrations, and visual impact.</p> <p>NOISE, DUST AND VIBRATION The application makes assertions to the effect Port Haven will not be affected by noise, including loading / unloading occurring in the central area 350m from accommodation units, restricting day-to-day operations to between 6am and 6pm, and the storage of pipes acting as a noise buffer to loading and unloading activities. The application states noise and dust management plans are under preparation but these documents have not been provided to Compass Group or BHP for review. No technical reporting from a qualified acoustic consultant has been provided. Given the absence of qualified information on the impact of noise on nearby sensitive receptors, the applicant’s assertions on noise cannot be confirmed and</p>	<p>was also forwarded to the applicant for comment. The applicant’s response can be viewed as Attachment 8 of this report.</p>
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	<p>cannot be relied upon to confirm the development will not adversely impact occupants of the Port Haven accommodation units. Minimal weight should be given to the information in the application’s covering letter.</p> <p>Other omissions include:</p> <ul style="list-style-type: none"> - The application does not address noise affecting night-shift workers who sleep during daytime hours at Port Haven. - The application does not address noise from movement of forklifts and noise from movement and placement of pipes for storage, which will occur within 30m of accommodation units, and noise from airbrakes and reversing beepers from trucks on site. - The application does not include a dust management plan or indicate how frequently dust suppression measures will be applied to roadways near the Port Haven boundary to alleviate the transmission of dust onto Port Haven. - The application does not address impacts of vibration from movement of forklifts and the placing down of pipes. <p>An assessment of amenity requires consideration of all those factors which affect the present and likely future amenity, which in this case includes noise, dust, and vibrations. Given the omissions noted above, the application is deficient and should not be approved on the basis it has not demonstrated the amenity of Port Haven – which includes accommodation of night-shift workers requiring undisturbed sleep during daytime hours – is preserved.</p> <p>At Ordinary Council Meeting held on 4 November 2020, Council resolved to adopt Local planning Policy 10 Highway Precinct Design Guidelines (LPP10), which applies to the development site. Figure 3 of LPP10 identifies a 20m vegetation buffer external to the western and southern edges of Port Haven.</p> <p>The proposed development does not include a vegetated buffer external to Port Haven, as is required by Figure 2 of LPP10. The site plan shows access road and storage areas built up to the western edge of Port Haven.</p> <p>It is considered the visual amenity of Port Haven would be improved with the addition of a vegetated 20m buffer, consistent with the Guidelines. A buffer may also assist with reducing the impact of noise, dust and vibration from activities in close proximity to Port Haven (subject to confirmation by suitably-qualified experts in these matters) and will assist in</p>	
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	<p>screening residents from Port Haven from a view to intensive industrial activity.</p> <p>In respect of the temporary nature of the development, buffer vegetation planted for this development can mature over time and be used to provide an effective visual buffer for any future development on the site. Permitting a departure from the 20m buffer requirement in this development and constructing access roads and storage areas in the buffer area (which would likely be retained to allow reuse of the capital investment in site works) would set an expectation that no buffer is required for any future development of the site.</p> <p>CONCLUSION</p> <p>We submit the application has not addressed the preservation of the amenity of the locality, and with respect to noise and dust has incorrectly and without proper qualification asserted there will be no impact on Port Haven. For this reason, the application is inconsistent with the general objectives of TPS5 and clause 67(n) of the Deemed Provisions and should not be approved. If the Town were to receive the following information, we would be prepared to review the information and confirm whether it addresses our client's concerns:</p> <ul style="list-style-type: none"> - Report from a qualified acoustic consultant addressing noise and vibration from all activities, including movement of forklifts and the placement of pipes for storage, demonstrating workers at Port Haven (including night-shift workers sleeping during daytime hours) will not be disturbed by noise or vibration from the development. - Noise management plan. - Dust management plan demonstrating alleviation of dust transmission onto Port Haven. - The inclusion of a 20m vegetated buffer to the eastern boundary of the site where it adjoins Port Haven. <p>A full submission can be viewed under Attachment 7 of this report.</p>	
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Community

- No community consultation was undertaken during the assessment of the DA.

LEGISLATION AND POLICY CONSIDERATIONS

- *Planning and Development Act 2005*;Town of Port Hedland Local Planning Scheme No. 5;Draft Town of Port Hedland Local Planning Scheme No. 7;Port Hedland International Airport Industrial Highway Precinct Design Guidelines; andLocal Planning Policy 0/3 Shipping/Sea Containers & Transportable Buildings

FINANCIAL AND RESOURCES IMPLICATIONS

The Town received a fee of \$13,863 for this application. There are no other financial implications associated with this application.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

There are no significant identifiable environmental, social or economic impacts relating to this item.

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item as the proponent could fail to comply with the recommended planning conditions. The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2). This risk is mitigated by the Town's ability to undertake compliance action in accordance with the *Planning and Development Act 2005*.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

Temporary approval for a period of 18 months is sought by the proponent to allow for the storage of pipes to be used in the construction of the Iron Bridge project. Given the temporary storage nature of the use, minimal up-front works are required with only localised fill to be imported for certain areas and a small number of temporary transportable buildings.

The proposal will utilise the existing intersection with GNH and internal access road for the loading and unloading of the pipes within a central hard stand location. Unloading operations that need to occur outside of core hours will take place away from the boundary with Port Haven, thereby assisting to alleviate potential impacts on adjoining sensitive land uses. The proposed development demonstrates compliance with LPS5 and draft LPS7.

It is hereby recommended that DA 2020/220 at Lot 9008 Great Northern Highway, Port Hedland be considered for approval with the recommended Conditions and Advice Notes.

ATTACHMENTS

1. Attachment 1 - DWG2020/220/1 (late attachment)
2. Attachment 2 - DWG2020/220/2 (late attachment)
3. Attachment 3 - Contours
4. Attachment 4 - Top Soil
5. Attachment 5 - Vehicle Tracking
6. Attachment 6 - Temporary Exemption
7. Attachment 7 - DA Submission
8. Attachment 8 - Response to Submission (late attachment)

11.4 Infrastructure Services

11.4.1 AWARD OF TENDER RFT1920-48- INVITATION FOR PRE-QUALIFIED TRADES PANEL

Author: Project Manager
 Authorising Officer: Director Infrastructure Services
 Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER’S RECOMMENDATION 1

That Council:

Endorse the recommendation of the evaluation panels and award RFT1920-48 Pre Qualified Trades panel for the Town of Port Hedland to the following companies, as specified in each Table, for a contract period of three (3) years:

Panel A – Carpentry Services

DR Carpentry and Gyprock
Goodline
MJW Building Pty Ltd
TEC Services
TSP Building

Panel B – Electrical Services

MJW Building Pty Ltd
Goodline
Far Northwest Electrical
CPC Pilbara
TEC Services
Redding’s Electrical
Staykool Air Conditioning
Tic Tag Systems

Panel C – Floor and Wall Tiling Services

Jupps Floor Coverings
MJW Building Pty Ltd
TEC Services

Panel D – Painting Services

CBM Painting
Goodline
MJW Building Pty Ltd
Scarboro Painting
TEC Services

Panel E – Plumbing and Drainage Services

Gary Edwards Plumbing & Gas
Goodline
MJW Building Pty Ltd
TEC Services

Panel F – Air Conditioning Services

Mechanical Project Services
MJW Building Pty Ltd
Goodline
Oresome Air
Staykool Air Conditioning
TEC Services
Tic Tag Systems

Panel G – Cabinet Maker

Indigo Cabinets
MJW Building Pty Ltd
Zooby Cabinets

Panel H – Locksmith

Gadget Locksmiths
White Knight Securities

Panel I – Landscape Maintenance 7 Gardening

MJW Building
TEC Services
Up Your Grass Maintenance
Yurra Pty Lyd

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT1920-48 for Panel of Pre-Qualified Trades and consider the evaluation panel’s recommendation to award the tender to the preferred tenderer.

DETAIL

Request for Tender

The Town released a Request for Tender (RFT) on 26 August 2020, requesting suitably qualified trade’s people to provide ad hoc services as a part of a panel of providers, in accordance with the Towns procurement policy

The RFT was released on Vendorpanel (the Town's e-tendering portal) on 26 August 2020 and was advertised in the West Australian and the North West Telegraph on 26 August 2020 with a closing date of 15 October 2020.

Addendum Details

Addendum 1 – Inclusion of additional trades to the Invitation

Addendum 2 – Inclusion of additional trade to the Invitation

Addendum 3 – Adjustment of mandatory criteria for Locksmith

Addendum 4 – Extension of Invitation tender period

Tender Assessment

The Town received twenty five (25) submissions for RFT 1920-48 Pre Qualified Panel Tradespeople. The respondents were as follows:

Panel 1 – Carpentry

- D.R Carpentry;
- Goodline;
- MJW Building;
- Reefwind;
- TEC Services; and
- TSP Building.

Panel 2 – Electrical

- CPC Pilbara;
- Far Northwest Electrical;
- Goodline;
- MJW Building;
- Redding's Electrical;
- StayKool Air Conditioning;
- TEC Services; and
- Tic Tag Systems.

Panel 3- Floor Coverings

- Jupps Floor Coverings;
- MJW Building;
- Reefwind; and
- TEC Services.

Panel 4 – Painting

- CBM Painting;
- Goodline;
- MJW Building;
- Scarboro Painting; and
- TEC Services.

Panel 5 – Plumbing

- Gary Edwards Plumbing and Gas;
- MJW Building;
- TEC Services; and
- Goodline.

Panel 6 – Air Conditioning

- BSA Limited;
- Mechanical Project Services;
- MJW Building;
- Goodline;
- Oresome Air;
- StayKool Air Conditioning;
- TEC Services; and
- Tic Tag Systems.

Panel 7 – Cabinet maker

- Indigo Cabinets;
- MJW Building; and
- Zooby Cabinets.

Panel 8 – Locksmith

- Gadget Locksmith; and
- White Knight Industries.

Panel 9 – Landscaping

- MJW Building Pty Ltd;
- TEC Services;
- Up Your Grass garden Maintenance; and
- Yurra Pty Ltd.

Of the submissions received, one was rejected due insufficient documents provided under the requirements for all criteria. The remaining respondents provided compliant tender responses.

All compliant tender submissions have been evaluated by a panel of three (3) Town employees whose main objectives were:

- a) Make a recommendation to the Council;
- b) Ensure the tender submissions are assessed fairly in accordance with a predetermined weighting schedule;
- c) Ensure adherence to Local Government policies and legislation; and
- d) Ensure that the requirements specified in the Request are evaluated in a way that can be measured and documented.

Senior Procurement Officer facilitated the evaluation meeting held on 11 November 2020. The compliant submissions were assessed against the qualitative criteria as listed in the below table:

Qualitative Criteria	(%)
Relevant Experience & Key Personnel	40
Capacity to Deliver & Resources	40
Local Content	20

A summary of the assessment results of each submission received is included in the confidential evaluation report attached.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because all monies to be expended under this Pre Qualified Trade Panel will be approved under each financial year budget adoption process.

CONSULTATION

Internal

Manager Depot Operations and the Acting Property Coordinator have been consulted through the development of the scope, to ensure suitable and relevant trades have been included in this invitation.

External Agencies

Community

The RFT was publically released via Vendorpanel (the Town's e-tendering portal) on 26 August 2020 and was advertised in the West Australian and the North West Telegraph on 26 August 2020 with a closing date of 29 October 2020.

LEGISLATION AND POLICY CONSIDERATIONS

Section 3.57 of the *Local Government Act 1995*, and division 2 of the *Local Government (Functions and General) Regulations 1996* apply in relation to the invitation of tenders.

The evaluation report and corresponding details relating to the respondents offers are deemed confidential pursuant to section 5.23 (c) and (e) of the *Local Government Act 1995*.

The following Town policies were considered in relation to this tender:

1. 2/007 'Purchasing'

2. 2/016 'Regional Price Preference'

Successful contractors must abide by the Town's Code of Conduct while carrying out works for the Town.

FINANCIAL AND RESOURCES IMPLICATIONS

Works to be completed by the successful tenders under the Pre-Qualified Trades panel will be awarded as part of the Towns approved capital works program.

Any engagement of people from this trade panel, for operational works, will be expended from the Town's adopted annual budget and charged at the endorsed labour rates.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following section of the Town's Strategic Community Plan 2018-2028 is applicable in the consideration of this item:

2.c.3 Local procurement is prioritised and promoted across industry and agencies

Corporate Business Plan

The following action of the Town's Corporate Business Plan 2018-2022 apply in relation to this item:

2.c.3.1 – Promote Town of Port Hedland Procurement opportunities

RISK MANAGEMENT CONSIDERATIONS

There is a service interruption risk associated with this item due to the requirement of adherence to a procurement policy for purchases over \$5000. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

This risk will be eliminated by the adoption of the officer's recommendation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The implementation of a Pre-Qualified Trades panel will ensure larger capital works and operational works, as adopted each financial year can be completed by local contractors in a timely manner.

ATTACHMENTS

Evaluation Memo – Trade Panel (confidential, under separate cover)

11.4.2 AWARD OF TENDER RFT 2021-07 - 'JD HARDIE MASTERPLAN - MULTI-USER COURTS AND SURROUNDS CONSTRUCTION'

Author: Project Manager
Authorising Officer: Director Infrastructure Services
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER’S RECOMMENDATION 1

That Council approve the allocation of \$XXXXXXXX from the Strategic Reserve to the project budget – JD Hardie Multi-Purpose Courts, to fully incorporate design costs, construction costs, development application fees, consultancy/construction support charges, public art contribution, marketing costs & a construction contingency as detailed below:

Item Description	Funding Amount (Exc GST)
Contract Award Amount (including provisional sums)	\$XXXXXXXX
Public Art (2%)	\$XXXXXXXX
Design, Development Application, Consultancy/Construction Support, Marketing & Opening Costs (Approx 5%)	\$XXXXXXXX
Internal Labour Costs	\$XXXXXXXX
Construction Contingency (Approx 5%)	\$XXXXXXXX
Total	\$XXXXXXXX
Current Approved Budget Adjustments (September 2020 OCM)	\$5,000,000
Less Operation Cost Journal of Internal Labour Costs	-\$290,125
Budget Shortfall	\$2,256,108

ABSOLUTE MAJORITY VOTE REQUIRED

OFFICER’S RECOMMENDATION 2

Upon adoption of recommendation 1, Council accepts the tender submitted by XXXXXXXX, in accordance with Tender RFT 2021/07 ‘JD Hardie Masterplan Multi-user Courts and Surrounds’ for the total amount of \$ XXXXXXXX (including provisional sums and excluding GST).

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the proposed budget amendment and the assessment of submissions received for RFT2021/07 for the “JD Hardie Masterplan – Multi-user Courts and Surrounds Construction” and consider the evaluation panel’s recommendation to award the tender to the preferred tenderer.

DETAIL

Background

The JD Hardie Youth and Community Hub (JDHYCH) is Port Hedland’s principal youth precinct, located on Cottier Drive in South Hedland. The JDHYCH currently provides various youth and children’s programs and runs a variety of sports competitions and tournaments throughout the year.

Community consultation and a needs assessment was undertaken by the Town which identified community demand for:

- Indoor sports and activities. In particular there is high demand for basketball, dance and martial arts;
- Covered outdoor sports courts;
- Affordable community activity and meeting spaces;
- Car parking amenities and connectivity access at the site; and
- An expectation of supporting recreational and general public amenities at the site such as public toilets, water fountains, paths, playgrounds and notably, given hot summer climatic conditions, shade.

Following this consultation, a Masterplan for the overall site was formally endorsed by Council in July 2019, recognising a long-term commitment to deliver improvements and upgrades to the facility to address the recreation and social needs of youth and children, to improve the facility which also serves as the Town’s primary welfare and community emergency centre and to develop the empty land surrounding the site.

The Town is seeking a suitably qualified contractor to provide the goods and services to undertake **Stage 1** of the JD Hardie Masterplan. Work is to be completed during the 2020/21 financial year.



Figure 1 – Staging of the JD Hardie Masterplan (5 Year Plan)

The internal and structural repairs of the JD Hardie Centre are currently being undertaken as a separate contract and is due for completion in December 2020. As constructed information will be available to the successful tenderer on request.

The design of the public art is currently progressing internally, which will be incorporated into the canopies of the shade structures, where the final design will be provided to the successful tenderer when available.

Scope of Works

This project will be undertaken in two (2) Separable Portions:

Separable Portion 1 - Entry Statement Area – Including demolition, amphitheatre, shelters with public art component, removal and relocation of existing shade structures, hard and soft landscaping.

Separable Portion 2 - Multi-user Courts and Ablution Area - Demolition, Multi-user courts and structures, Landscaping, Ablution Block with Storage Construction of the carpark, access road, Emergency Vehicles Bays, Signs and Line marking.

All works are to be constructed to the specifications provided by the Principal and/or to current Australian Standards. The works include the demolition of required facilities and engagement of specialist fabrication, electrical, hydraulic, drainage, civil, landscaping, irrigation and all other relevant trades required to complete this work.

The exact limits of these areas are open to negotiation with prior approval from the principal. The Brief to the contractor is to provide an early and aesthetic release of the entry statement area for use by the JD Hardie Community Team.

The Principal reserves the right to award the aforementioned work to one (1) Contractor or Separate Contractors at its absolute discretion. It is anticipated that this work will be awarded to one (1) Contractor.



Figure 2 – JD Hardie Masterplan – Stage 1 - Artist Renditions

Request for Tender

Based on the construction value of this project, the Town was required to undertake a public tender process. The Request for Tender (RFT) was released on Vendorpanel (the Town’s e-tendering portal), was advertised in the West Australian and North West Telegraph on 14 October 2020 with a tender closing date of 11 November 2020.

Site Inspection

A mandatory site meeting was held at 9:00am on Friday 06th November 2020, at the JD Hardie Youth Centre, Cottier Drive, South Hedland, with the following contractors in attendance:

- Tec Services;
- Pilbara Constructions;
- Yurra;
- MJW Building;
- Degrey Civil;
- Cooper & Oxley;
- Environmental Industries; and
- Scarborough Painting.

Tender Assessment & Evaluation

The Town received 5 submissions for this tender. The respondents were as follows:

1. Cooper & Oxley Group;
2. Environmental Industries;
3. MJW Building;
4. Pilbara Constructions; and
5. Water Conservation Services (deemed non-conforming).

The Senior Procurement Advisor facilitated the evaluation meeting held on 02 November 2020, where all compliant submissions were evaluated by a panel of five (5) Town employees. The main objectives of the panel being to:

- a) Make a recommendation to the Council.
- b) Ensure the tender submissions are assessed fairly in accordance with a predetermined weighting schedule;
- c) Ensure adherence to Local Government policies and legislation; and
- d) Ensure that the requirements specified in the Request are evaluated in a way that can be measured and documented.

The compliant submissions were assessed against the qualitative criteria as listed in the below table:

Table 1 – Qualitative Criteria for the JD Hardie Masterplan Stage 1

Qualitative Criteria	(%)
Relevant Experience	40
Capacity to deliver	30
Demonstrated understanding	30

A summary of the assessment results of each submission received is included in the confidential evaluation report attached.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance, both in terms of value of the project and impact to the community. An overview of the consultation undertaken is outlined further in this report.

CONSULTATION

Internal

Extensive internal consultation for the overall JDHYCH Masterplan (including Stage 1) has been undertaken through the development of a Project Control Group (PCG), whose role is to oversee the planning, preliminary design, including any consultation and implementation (design, procurement and construction) phases of all of the Town's current Masterplans, inclusive of the JDHYCH.

The PCG consists of the following members:

- Director Infrastructure Services;
- Director Community Services;
- Principal Project Manager;
- Manager Infrastructure Projects and Assets;
- Manager Financial Services;
- Manager Governance;
- Manager Town Planning & Development;
- Manager Environmental Health & Community Safety;
- Manager Community Development;
- Manager Leisure Facilities;
- Manager Corporate Affairs; and
- Senior Procurement Advisor.

In addition to the above, other officers consulted in relation to this project are as follows:

- Senior Youth Officer;
- Youth Program Officer;
- Senior Strategic Planner;
- IT Officer; and
- Other Project Manager/s working on other aspects of the Masterplan.

External Agencies

External consultants or agencies consulted in relation to this project include:

- Emerge Associates; and
- WA Department of Local Government, Sport and Cultural Industries.

Community

In 2017, the Town commenced the "Live it Tell it" campaign, which was the most extensive engagement exercise the Town had ever undertaken. A staggering 5,800 responses were received by the community via a range of engagement exercises, the outcomes of which have been captured in the Town's Strategic Community Plan. The community specifically identified a need to revitalise community infrastructure and facilities.

A Balanced View Leisure Consultants (ABV) were also engaged in January 2019 to produce a Town-wide needs assessment and architectural briefs relating to the JD Hardie site as well as the South Hedland Sports Complex and McGregor Street Precinct. 67 Individual responses were received specifically relating to the JDHYCH. Key learnings from this consultation included the community's desire for more shade, better car parking at facilities and access to toilets.

LEGISLATION AND POLICY CONSIDERATIONS

Section 3.57 of the *Local Government Act 1995*, and division 2 of the *Local Government (Functions and General) Regulations 1996* apply in relation to the invitation of tenders.

The evaluation report and corresponding details relating to the respondents offers are deemed confidential pursuant to section 5.23 (c) and (e) of the *Local Government Act 1995*.

The following Town policies have been considered in relation to the preparation, release and evaluation of this tender, and the eventual execution of the contract:

- 2/007 'Purchasing';
- 2/016 'Regional Price Preference';
- 1/014 'Execution of documents and application of the common seal';
- 1/022 'Risk Management';
- 8/003 'Access and Inclusion';
- 9/010 'Asset Management'; and
- 10/003 'Landscaping'.

The Town's planning policy on public art, LPP/04 'Percent for Public Art', is also applicable in relation to this project, with a minimum of 2% of the total project cost to be set aside for the provision of public art.

Successful contractors must abide by the Town's Code of Conduct while carrying out works for the Town.

FINANCIAL AND RESOURCES IMPLICATIONS

The Town has been successful in securing \$750,000 in grant funding for this project through the Community Sporting and Recreation Facilities Fund (CSRFF) provided by the Department of Local Government, Sport and Cultural Industries.

In addition to the above, the Town has committed \$4.25M in budget amendments, bringing the total Stage 1 construction budget, inclusive of grant funding to \$5M. A full summary of this project's budget amendments have endorsed at the September 2020 OCM.

The budget is requested to be increased to \$2,256,108 from the Strategic Reserve for the following reasons:

- Market prices for the project are significantly higher than the Quantity Surveying estimates at multiple stages:
 - Quantity Survey and Estimate from Donovan Payne at the concept phase of \$4.25M; and
 - Construction Estimate in Detailed Design Phase my Emerge Associates of \$5M (September OCM adjustment).

The market prices issue has been reflected over multiple recent projects and has been reflected in the Karratha Market. This is anticipated to be due to a tightening labour and civil market.

- This contract is going to be delivered as an AS4000 Contract, where the Principal is responsible for the Inclement Weather Risk for project delays – as we are entering a La Niña Southern Oscillation – we should anticipate higher than average cyclone activity;
- This project is included in the 'Invest in Hedland' prospectus and funding discussions are currently taking place with industry partners;
- This is a highly anticipated project for the community and aesthetically finishes the \$8.5M of funding already invested into the structure of the building;
- Delays to the project result in the risk of complications to the current Community Sporting and Recreational Facilities Fund Grant;
- Removing scope or delivering the project in sections, introduces inefficiencies and/or additional costs;
- The Multi-user Courts and Surrounds Project (stage 1) is the crucial phase of a 4 stage masterplan – where Infrastructure recommends bringing funding forward to finish the more critical aspects of the Masterplan;
- Currently only 2/3 courts are currently captured under the shade structure. Scope adjustments should be made now to install the footings for the extension of the existing structure for long term cost efficiency; and
- This project is a critical predecessor linked to the South Hedland Integrated Sports Complex (SHISC) Masterplan, where the Multi-user courts is required to be completed prior to the starting of the SHISC Masterplan to provide basketball facilities for Slam Events. The SHISC outside courts will not be available to the community during construction – hence the requirement to have this facility completed.

Potential Variations

Relocation of Boab Tree

There is the opportunity to relocate the boab tree pictured in **Figure 3** to the JD Hardie which is currently programed for destruction. See **Table 3** for cost estimate.



Figure 3 – Boab proposed for relocation

Table 2 - Proposed Project Budget Amendments

Item Description	Funding Amount (Exc GST)
Contract Award Amount (including provisional sums)	\$XXXXXXXX
Public Art (2%)	\$XXXXXXXX
Design Costs, Development Application, Consultancy/Construction Support, Marketing & Opening (Approx 5%)	\$XXXXXXXX
Internal Labour Costs	\$XXXXXXXX
Construction Contingency (Approx 5%)	\$XXXXXXXX
Total	\$XXXXXXXX
Current Approved Budget Adjustments (September 2020 OCM)	\$5,000,000
Less Operational Cost Journal of Internal Labour Costs	-\$290,125
Budget Shortfall	\$2,256,108

Table 3 – Anticipated and Potential Variations to the Contract

Anticipated Project Variations	
2 weeks of Inclement Weather delays – as per XXXX submitted delay rates	\$XXXXXXXX
Anticipated Variation Sub Total	\$XXXXXXXX
Optional Variations	
Installation of salvaged Large Boab and associated Irrigation	\$XXXXXXXX
Installation of footings to allow for future upgrade to the shade structure (approx.)	\$XXXXXXXX
Proposed Variations Sub Total	\$XXXXXXXX
Total Variations	
Total Variations	\$XXXXXXXX
Construction Contingency	\$XXXXXXXX
Construction Contingency Remaining	\$XXXXXXXX

Any surplus funds not used towards construction will be re-allocated to the Strategic Reserve.

The Town has successfully secured grant funding of \$750K from the Community Sporting and Recreational Facilities Fund towards the multi-user courts. A condition of this grant is that construction is required to commence by June 2021.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following sections of the Town’s Strategic Community Plan 2018-2028 are applicable in the consideration of this item:

- 1.d.2 Facilities and community infrastructure are revitalised across the Town
- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities
- 2.a.2 Partnerships with private enterprises and government to fund projects and create jobs are pursued
- 2.c.3 Local procurement is prioritised and promoted across industry and agencies
- 3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 3.c.2 The community is surrounded by and has access to attractive natural habitats, built form, parks and amenities

There are no significant identifiable environmental, social or economic impacts relating to this item.

Disability Access and Inclusion Plan

The following outcome of the Town's Disability Access and Inclusion Plan 2017-2022 apply in relation to this item:

- Outcome 2 – Buildings and Facilities.

Corporate Business Plan

The following actions of the Town's Corporate Business Plan 2018-2022 apply in relation to this item:

- 1.d.2.1 Develop, implement and review an asset management renewal program to ensure long term sustainability of the Towns assets;
- 1.d.3.1 Support the provision of cultural, sporting and recreational facilities which are fit for purpose;
- 2.a.2.1 Develop Masterplans and business cases for future project implementation in line with the Towns strategic direction and needs;
- 2.c.3.1 Promote Town of Port Hedland procurement opportunities; and
- 3.b.1.4 Assess and rationalise the Towns infrastructure and assets.

RISK MANAGEMENT CONSIDERATIONS

There are a number of risks which have been identified in relation to delivering this project.

One of these is that the works may extend past the anticipated project timeline – introducing reputational risk & complications to our Grant Funding Partners. The likelihood of this is considered to be likely (4) with a major (4) consequence, giving this risk an overall rating of high (16). To mitigate this risk, the Town will develop and communicate clear delivery milestones and will hold regular meetings with the contractor.

Another potential risk is that there is unfavourable weather being that this project will commence during cyclone season. This could also lead to delays in delivering the project as scheduled, where the Town is responsible for the delay costs. The likelihood of this occurring is possible (3) with a consequence of major (4), returning an overall risk rating of high (12). The town will take preventative actions to ensure that the contractor has appropriate contingencies for minimising damage to workers, the community and property in the possible event of a cyclone.

OPTIONS

Option 1 – Adopt officer's recommendations

Option 2 – Do not adopt officer's recommendations

CONCLUSION

The JD Hardie Youth and Community Hub is the Town's leading youth precinct, delivering highly successful sports programming and a variety of other competitions and tournaments throughout the year.

Council has committed to the redevelopment of the site, adopting a Masterplan with a 5 year proposed timeframe for delivery. RFT 2021-07 'JD Hardie Multi-user Courts and Surrounds Construction' comprises the first stage of this Masterplan.

It is recommended that Council endorse the award of RFT 2021-07 'JD Hardie Multi-user Courts and Surrounds Construction' to the preferred tenderer as noted in the officer's recommendation in order to commence these works and deliver this highly anticipated project to the community.

ATTACHMENTS

1. Evaluation Report and Authorisation Memo - Confidential (under separate cover)

11.4.3 COMMUNITY INFRASTRUCTURE PLANNING POLICY

Author:	Senior Project Officer
Authorising Officer:	Manager Infrastructure Projects and Assets
Disclosure of Interest:	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council adopt Policy 14/003 'Community Infrastructure Planning Policy'

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider adopting the Community Infrastructure Planning Policy – a policy designed to outline a consistent set of principles and guidelines with regard to community infrastructure planning.

DETAIL

Community infrastructure shapes and influences community outcomes including social cohesion and economic activity throughout Port Hedland. Currently the Town does not have a publicly accessible policy to inform community, local business, industry and other government bodies how the Town prioritises decision making and conducts its general community infrastructure planning activities.

The Town's Strategic Community Plan 2018-2028 outlines numerous strategic responses aimed to encourage engagement from stakeholders during the infrastructure planning process. The proposed Policy seeks to not only help guide Council and Town Officers in meeting its strategic objectives, but also promote best practice for community infrastructure planning to external stakeholders.

Community infrastructure planning policies such as this are commonly adopted by local government authorities throughout Australia. They provide clarity, transparency and predictability in the planning process, thereby focussing the actions of Officers and encouraging involvement from stakeholders. The proposed Policy was developed after extensive review of other local government documents, then tailored to respond to the unique circumstances applicable to Port Hedland.

The Policy will be used as a framework for:

- Better informing Town residents and rate payers of the Town's infrastructure priorities and progress;
- Forming and strengthening partnerships with community organisations, schools, state and federal governments to assist in the delivery of shared community infrastructure;
- Enabling advocacy to state and federal government for grants and other funding to ensure that adequate community infrastructure is delivered to respond to population growth and community need;

- Supporting Town Officers in applying a Town-wide approach to infrastructure planning; and
- Determining the appropriate type and amount of community consultation required during project planning and delivery.

The Policy deals primarily with establishing 9 essential principles to community infrastructure planning. These will work to ensure that, during the project planning and delivery of community facilities, the following matters are addressed:

- Council service delivery standards, policies, practices and initiatives;
- Meaningful stakeholder engagement;
- Integrated community infrastructure networks;
- Flexible response solutions to changing community needs;
- Environmental sustainability;
- Sustainable use of available resources;
- Exploration of the viability of alternative funding sources;
- Transparency in decision making; and
- Prioritisation of value for money.

The Policy also commits Council to:

- Capitalising on existing land and buildings owned or managed by Council

- Maximising community benefit;
- Seeking shared use arrangements and partnerships (where appropriate);
- Pursuing commercial opportunities to reinvest into community infrastructure;
- Identifying and building upon the strengths and uniqueness of the local community;
- Exploring alternative models of community infrastructure provision;
- Building spaces and places that are responsive to community needs; and
- Planning for the ongoing maintenance, renewal and replacement of community infrastructure.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because the policy is a high-level guiding document that only serves to inform, enhance and create consistency in current work practices.

CONSULTATION

Internal

- Director Regulatory Services;
- Director Community Services;
- Director Infrastructure and Town Services;
- Manager Town Planning and Development;
- Senior Strategic Planner;
- Principal Project Manager; and
- Manager Corporate Affairs.

External Agencies

- Infrastructure Australia - 'Infrastructure Decision-making Principles';
- City of Yarra - 'Community Infrastructure Planning Policy 2016'; and
- City of Melbourne - 'Community Infrastructure Development Framework 2014'.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

- Nil.

FINANCIAL AND RESOURCES IMPLICATIONS

- Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following sections of the Town's Strategic Community Plan 2018-2028 are applicable in the consideration of this item:

- 1.b.4 Regular opportunities for the broad community to have input into the Town of Port Hedland plans and programs are provided for transparency, accountability and two-way interaction
- 1.b.5 Opportunities to get involved and results of engagement are regularly promoted
- 1.d.1 The present and future facilities and requirements of the Town are planned for and developed in-line with relevant facility standards and community needs
- 3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 3.b.5 The protection and valuing of amenities and urban space is enhanced through community engagement

There are no significant identifiable environmental, social or economic impacts relating to this item.

Disability Access and Inclusion Plan

The following outcome of the Town's Disability Access and Inclusion Plan 2017-2022 apply in relation to this item:

- Outcome 2 – Buildings and Facilities

Corporate Business Plan

The following actions of the Town's Corporate Business Plan 2018-2022 apply in relation to this item:

- 3.b.1.4 – Assess and rationalise the Town's infrastructure and assets
- 3.b.5.2 – Appropriate community engagement is undertaken for strategic planning and land use decisions

RISK MANAGEMENT CONSIDERATIONS

As per the risk matrix contained in policy 1/022 'Risk Management', the level of risk is considered to be Low (1).

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Do not adopt officer’s recommendation

CONCLUSION

The proposed Policy will provide the Town with guidelines and direction for all future community infrastructure projects. It will provide transparency to the community and industry on how decision making occurs during the community facility planning process. Currently the Town does not have such a guiding document in place.

ATTACHMENTS

1. Final Draft - 14/003 Community Infrastructure Planning Policy (under separate cover)

11.4.4 VARIATION TO CONTRACT FOR CLEANING SERVICES FOR THE TOWN OF PORT HEDLAND RFT 1819-64

Author: Property Management Officer
Authorising Officer: Director Infrastructure Services
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council approve the variation to contract RFT 1819-64 Cleaning Services for the Town of Port Hedland to the new total of \$1,745,746.00 for the remaining term of the contract.

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider varying the contract for the Town's Cleaning Services to incorporate additional services required due to the refurbishment and expansion of the JD Hardie Centre and the Gratwick Aquatic Centre Gymnasium.

DETAIL

The current cleaning contract was awarded by Council to National Cleaning & Gardening Services for the value of \$1,532,400.00. The Contract commenced on the 1st February 2020. The Contract is due to expire on the 31st January 2022 with 2 x 1 year additional options to extend.

Prior to this request, 2 separate variations to the contract have been approved. The first variation for the amount of \$42,416.00 ex GST was due to the relocation of the Port Hedland Library. This variation was approved by the CEO in accordance with his delegation and the Town's Procurement Policy.

The second variation for the amount of \$8,580.00 ex GST was also approved by the CEO due to the inclusion of an office at the JD Hardie Centre. This office was not identified on the original scope of works.

The Town of Port Hedland has undertaken & completed 2 major refurbishments over the course of 2020.

The Gratwick Aquatic Centre Gymnasium refurbishment was completed in September 2020. As the original cleaning scope changed, a quote was supplied for additional cleaning services commencing 16th September 2020 – 31st January 2022. A variation of \$43,350.00 ex GST is required.

The JD Hardie Centre refurbishment has now been completed. The original cleaning scope has now changed due to the change in layout at the facility. A quote was supplied for additional cleaning services commencing 4th December 2020 – 31st January 2022. A variation of \$119,000.00 ex GST is required.

This means the total of this variation is \$162,350.00 ex GST. Due to the % increase of the overall contract, Council is required to approve this variation.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, as it does not meet any of the criteria listed in the policy.

CONSULTATION

Internal

- Director Infrastructure Services
- Manager of Community Development
- Senior Youth Officer
- Manager Infrastructure Operations
- Procurement

External Agencies

- National Cleaning and Gardening Services

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

In accordance with Regulation 21A once a contract has been entered into, it must not be varied unless

- The variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or
- The variation is a renewal or extension of the term of the contract as described in regulation 11(2)(j).

FINANCIAL AND RESOURCES IMPLICATIONS

The Town's Operational Budget for Cleaning will be amended to include this variation.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following section of the Town's Strategic Community Plan 2018-2028 is applicable in the consideration of this item:

- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities

Environmental

- Nil.

Economic

- Nil.

Social

- Nil.

There are no significant identifiable environmental, social or economic impacts relating to this item.

Disability Access and Inclusion Plan

The following outcome of the Town's Disability Access and Inclusion Plan 2017-2022 apply in relation to this item:

- Outcome 2 – Buildings and Facilities
- Outcome 4 – Quality of Service

Corporate Business Plan

The following action of the Town's Corporate Business Plan 2018-2022 apply in relation to this item:

1.d.3.4 Ensure that the Town's commercial, community and residential properties are fit for purpose, compliant and maintained to the appropriate standards.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item as if our properties are not maintained to an appropriate standard it may impact on the Town's reputation. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Do not adopt officer's recommendation

CONCLUSION

Due to the increased service requirements following the recent completion of the commercial refurbishments at the Gratwick Aquatic Centre Gymnasium and the JD Hardie Centre it is recommended that Council approve the variation as outlined to maintain the Town's service level and asset to the appropriate standard.

ATTACHMENTS

Nil

11.5 Executive Services

Nil.

Item 12 Reports of Committees

Nil.

Item 13 Motions of which Previous Notice has been given

13.1 CHRISTMAS SCHOOL HOLIDAY PROGRAM

Author: Manager Leisure Facilities
Authorising Officer: Director Infrastructure Services
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

I, Mayor Peter Carter, give notice that at the next Ordinary Meeting of Council to be held on 16 December 2020, I intend to move the following motion:

MOTION

That the Town of Port Hedland:

1. Support an enhanced program of Christmas school holiday activities for young people;
2. Provide additional activities for young people at the South Hedland Aquatic Centre throughout the Christmas school holiday period from 18 December 2020 to 31 January 2021;
3. Operate a trial free entry program from 18 December 2020 to 31 January 2021 between 12-3pm, at the South Hedland Aquatic Centre for all young people 16 years of age and under;
4. Continue to engage with the WA Police Force and provide financial support to their weekly club program;
5. Undertake an evaluation of this program of initiatives and provide a report to Elected Members; and
6. Notes the additional costs of the program are estimated to be \$40,000.00.

SIMPLE MAJORITY VOTE REQUIRED

RATIONALE

The additional activities and free entry program are necessary to support young people of Hedland and to improve their mental and physical wellbeing, whilst reducing anti-social behaviour.

I commend this Notice of Motion to Council.

PURPOSE

The purpose of this report is for Council to consider the motion put forward by Mayor Carter and to be informed of the options associated with providing both free entry and supplementary programming at South Hedland Aquatic Centre (SHAC) throughout the December 2020 and January 2021 School holiday period as a strategy to reduce levels of anti-social behaviour.

DETAIL

Officers have considered the notice and this report includes details of the financial and operational implications associated with the implementation of this proposal.

OPERATIONAL CONSIDERATIONS

As follows is a list of operational items that have been considered when assessing the notice of motion:

1. A Child Entry includes anyone under the age of Under 16 years at a \$3.00 per entry fee;
2. Based off the existing JD Hardie Free Entry “Youth program” which operates 1.30pm – 5.30pm on a Wednesday afternoon at SHAC. It is estimated a 60% increase in patronage will take place for this period of time;
3. To adequately fulfill this request and ensure a safe level of supervision additional resources would be required including:
 - a) Additional Customer service officer 4 hours per day to allow Duty Managers and Lifeguards to monitor pool supervision and facility operations; and
 - b) To ensure adequate pool supervision in accordance with RLSWA Guidelines for Safe Pool Operations and to ensure the adequate lifeguard to patron ratio an additional lifeguard is required comprised of shifts that would take place between 12-3pm;
4. To ensure the safety of all patrons and staff an external security company will be engaged Monday to Sunday- 8:00am – 10am & 12pm – 3pm;
5. The current Watch Around Water program will need to be maintained at all times specifically:
 - a) Children under 10yrs must be supervised by a person 16yrs+;
 - b) Children under 5yrs must be at arm’s length of a person 16yrs+; and
 - c) Children using the playground must be supervised at all time;
6. Continue to promote and enforce the RLSSWA “watch around water program” (<https://watcharoundwater.royallifesavingwa.com.au/>) an education and awareness campaign run at public swimming pools that aims to reduce drowning and aquatic injuries amongst children through improved parental supervision. There are two key supervision guidelines: one for children under 5 (0-4 years), and those under 10 (5-9 years);
 - a) Under 5: Children must be constantly supervised and to remain within arm’s reach of a parent or guardian. (If the child is in the water, the parent or guardian must be in the water too); and
 - b) Under 10: Children must be accompanied into the facility and constantly supervised by a parent / guardian. The parent / guardian must have clear, constant and direct access to the child at all times.

In order to achieve the best possible outcomes officers have also investigated other potential opportunities that produce a positive social impact outcomes. These include collaborating with local police to run youth targeted programs out of SHAC during the school holidays in which local police would work closely with Town officers to facilitate a targeted program including a “Breakfast Club” or lunch BBQ provided to under 16yrs for a 2 – 3 hour period each Thursday of the school holidays.

The proposal incorporates:

1. Supporting the local police by funding a free BBQ designed to focus on at risk youth and sponsored by the Town of Port Hedland. This will incur additional cost associated with food and drink provision;
2. Setting up the Aquarun inflatable for this period of time. There is a cost implication of one additional lifeguard required for the three hours in which this would take place; and
3. Three members of the police force would attend this activity each week.

Lastly, it is proposed for the Town to evaluate the effectiveness of this initiative to ensure it has had a positive outcome for the community.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of medium significance, with engagement being undertaken with local police.

CONSULTATION

Internal

- Director Community Services;
- Manager Leisure Facilities;
- Coordinator Aquatic Operations; and
- Community Safety Advisor.

External Agencies

- Local Police; and
- Royal Life Saving Society of Western Australia.

Community

Nil.

LEGISLATION AND POLICY CONSIDERATIONS

Nil.

FINANCIAL AND RESOURCES IMPLICATIONS

Lost revenues

The calculation of the potential revenue lost from entries has been based on historical data. Accordingly a figure of 60 entries per day at \$3 per entry at SHAC has been utilised in the table below.

Additional Costs	Per Day	Per week	Six Week total	Total Financial Impact
Customer Service Officer	\$165	\$1,155	\$6,930	
Lifeguard	\$165	\$1,155	\$6,930	
Security	\$271	\$1,626	\$11,382	
Lost revenues Child Entry	\$180	\$1260	\$7560	
Police BBQ Breakfast or lunch			\$5,990	
Total	\$781	\$5,196	\$38,792	\$38,792

FINANCIAL IMPACT TABLE (inclusive of on-costs)

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following sections of the Town’s Strategic Community Plan 2018-2028 are applicable in the consideration of this item:

- 1.a.3 Youth services and facilities are implemented with regular input from youth and providers
- 1.a.4 Partnerships with stakeholders to deliver sport and recreation are enhanced
- 1.a.5 Agencies and the community are fully engaged to reduce anti-social behaviours and improve community safety
- 1.a.6 Town-wide health, safety, recreation and sporting activities and services
- 1.a.1 Stakeholders are engaged to develop a whole of town approach to increase accessibility to quality health and wellbeing services

There are no significant identifiable environmental, social or economic impacts relating to this item.

RISK MANAGEMENT CONSIDERATIONS

There is a financial , reputational and service disruption risk associated with this item because of the likelihood of increased vandalism during this time. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

OPTIONS

Option 1 – Adopt Mayor Carter’s motion

Option 2 – Amend Mayor Carter’s motion

Option 3 – Do not adopt Mayor Carter’s motion

CONCLUSION

In the interest of community safety, youth engagement and the reduction in anti-social behaviour, officers recommend the provision of free entry to all under 16 at SHAC during the school holiday period and the funding of a breakfast or lunch club in partnership with local police.

ATTACHMENTS

1. Notice of Motion - Mayor Carter - Christmas Holidays Youth Activities (under separate cover)

Item 14 New Business of an Urgent Nature (Late items)

Nil.

Item 15 Matters for Which Meeting May Be Closed (Confidential Matters)

Nil.

Item 16 Closure

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 3 February 2021 commencing at [Enter Time](#).

16.2 Closure

There being no further business, the Presiding Member declared the meeting closed at [enter time](#).